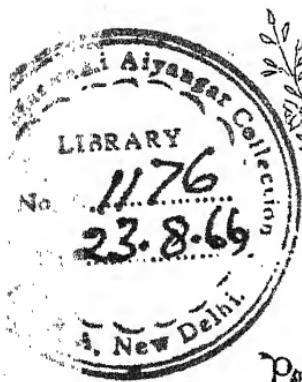


# The Greatest of all the Plantagenets

An historical sketch



Partnum serba



LONDON;

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1860

1860.



greatest of the House of Plantagenet." . KEIGHTLEY.

of the greatest sovereigns that has swayed the  
English sceptre." . SHARON TURNER.

most sagacious and resolute of English princes." WALTER SCOTT.

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at statesman and commander." . . . MACKINTOSH.  
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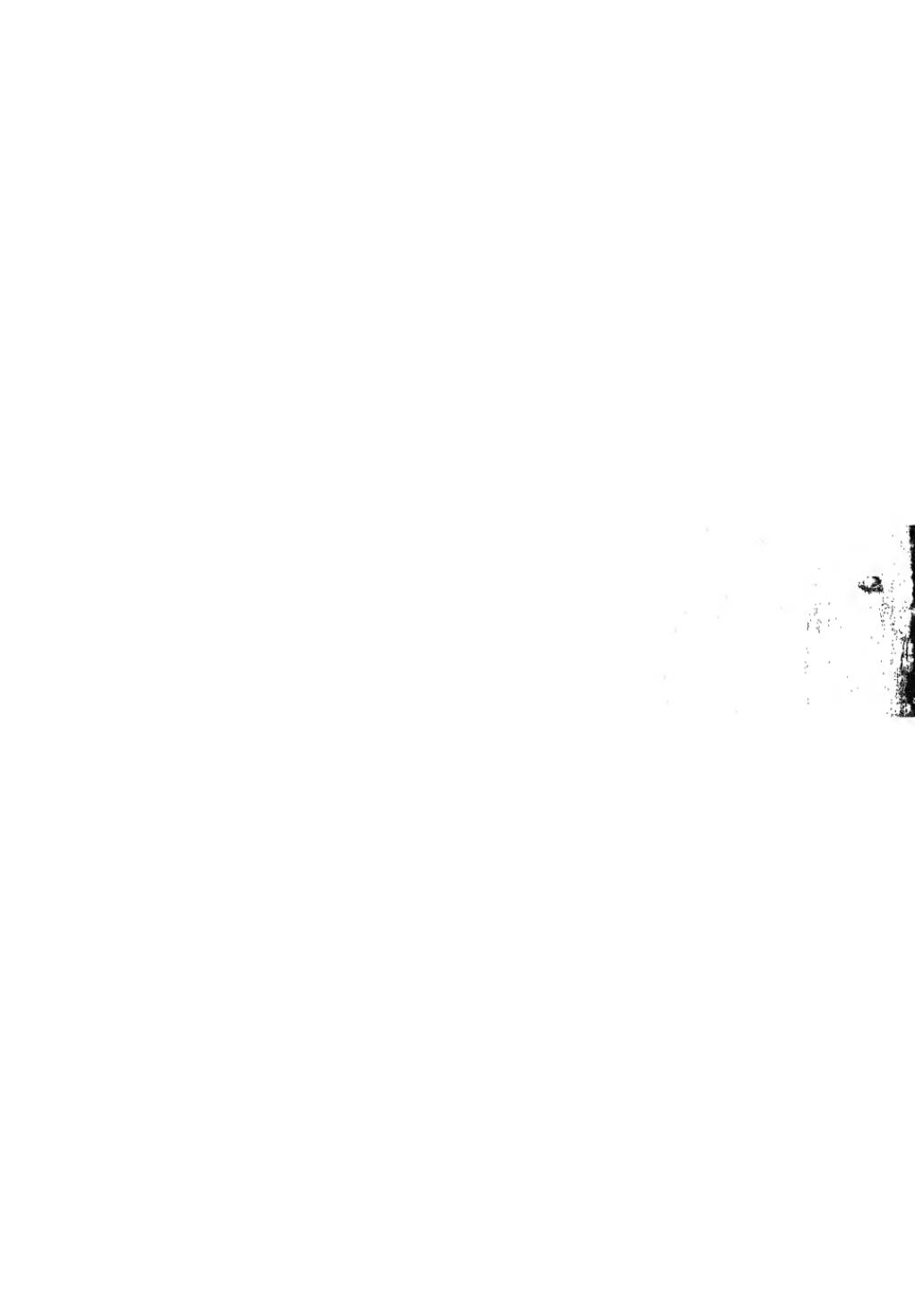
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tury. the State possessed a centre and a chief." GUIZOT.

the glorious and triumphant reign." . . . RAPIN.

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tre." . . . . LARDNER'S *Cyclopedie*.

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roic king." . . . . *Encyclo. Metropolitana*.  
spirit



## P R E F A C E.

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THE spirit of investigation which has, of late years, pervaded much of our historical literature, has worked many changes in the position and estimation of some of the most prominent characters in English history. Henry VIII. and Elizabeth, Cromwell and William III., Marlborough and William Penn, do not occupy, with us, the same places which they occupied at the beginning of the present century. The historians of the last age have come to be regarded as not altogether well-informed ; and as being, in many instances, under the dominion of party or national prejudices.

There is, however, one period into which this spirit of investigation has not yet penetrated ;— although that period is, in some respects, the most interesting and important of all : “ The turning point of English history,” according to one writer,—

the *beginning* of English history, in the view of another\*,—has received, during the present generation, far less attention than it justly deserved.

And yet there was one feature of the case which seemed especially to call for a close and searching inquiry. A strange and not very intelligible change had taken place in the estimation awarded to the principal character in this portion of our history. For three hundred years “the greatest of all the Plantagenets” had been held, by most Englishmen, in the utmost veneration. By Hemingford, in 1320, he was described as “the most excellent, wise, and sagacious king.” By Froissart, in 1400, as “the good king Edward.” By Fabian, in 1494, as “slow to all manner of strife; discreet and wise, and true to his word: in arms a giant.” By John Foxe, in 1563 as “valiant and courageous; pious and gentle.” By Hollinshed, in 1557, as “wise and virtuous; gentle and courteous.” And by Prynne, in 1660, as the “most illustrious”—“our glorious king Edward.” Yet by modern writers,—such as Hume and Henry, Mackintosh, Scott, and others,—a very different por-

\* “During the century and a half which followed the Conquest, there could be, properly speaking, no English history.”—*Macaulay.*

traiiture is given. In their pages Edward is represented as ambitious, unscrupulous, artful, and vindictive. Whence arose this remarkable change in the current and tenor of our English histories?

The reason of this altered tone, and the unsound basis of these later and less favorable representations, are both easily discoverable. For more than three hundred years our historians were *Englishmen*; while, during the last century, the majority of those who have dealt with the subject have been of Scottish birth. And a glance at the old inscription on Edward's tomb\* might satisfy us, that no native of the northern kingdom could be expected to write this king's history in a just and impartial spirit.

The mode, too, in which these writers brought about this great perversion of history was quite consistent with the *animus* from which it sprang. Two of the most obvious and unquestionable of all the canons by which historical inquiries should be governed, were utterly disregarded. *Tradition* was preferred to *Testimony*; and the assertions of a man's foes were accepted with avidity, in preference to far stronger evidence in his favor.

\* "Edvardus Primus: Scotorum Malleus."

There is no law of more universal application, than that which prefers the evidence of a contemporary to that of a person writing long after the events recorded. "As all original witnesses," says Sir G. C. Lewis, "must be contemporary with the events which they attest, it is a necessary condition for the credibility of a witness that he be a contemporary\*."

Now the English chroniclers who lived in Edward's days were some ten or twelve in number; namely, Hemingford, Trivet, Matthew of Westminster, Wykes, Rishanger, Langtoft, Knighton, the Chronicles of Lanercost, Rochester, St. Alban's, Abingdon, &c. Against these there is not, on the side of the Scots, one single line of contemporary evidence to be produced.

Nor do we hear of a Scottish chronicle until some seventy years after Edward's death. But when the Bruces had passed away, and the Stewarts came in their room, about the year 1375, Robert II. of Scotland employed Barbour to write an eulogistic history of "The Bruce," for which work a pension was

\* Lewis on *Roman History*, p. 16.

afterwards granted him. Barbour had to describe events which had happened long before he was born. He had to vindicate Bruce from the double guilt of assassination and of many perjuries. And there was no other way of doing this, than by loading Edward's memory with many grievous accusations.

After Barbour followed Fordun, who wrote in the last years of the century, and Wyntoun, who wrote between 1400 and 1420. These could only repeat the stories already collected or invented by Barbour ; garnishing his fictions with new circumstances of their own.

Yet upon these three writers, who compiled from tradition, and by the help of their own imaginations, histories of the events which happened in the days of their grandfathers, do the modern Scotch historians, of all classes, resolve to pin their faith ; preferring such third-rate testimony to that of the ten or twelve English chroniclers who lived in Edward's own day. They thereby violate, as we have said, two of the plainest canons of historical writing. They set aside the evidence of several men who recorded the facts which passed before their own eyes, and prefer that of two or three collectors of old

traditions, who lived a century after. And those whose testimony they thus prefer, are writers who wrote not merely with prejudice, but under the influence of feelings of the deepest hostility.

It is time that this great wrong should be redressed. In doing this we need not reject or summarily discredit the statements of the three Scottish historians. They have a certain value, inasmuch as they furnish us with the opposite view to that which was naturally taken by Englishmen. Their narratives should be calmly considered ; and only quite discredited when they stand opposed to a higher testimony, or to evident probability. A statement which first sees the light some seventy or eighty years after the date of the event to which it refers, and which is not easily reconciled with facts which are beyond a doubt, ought not, surely, to be received with unhesitating belief. But a calm and reasonable comparison of these two classes of writers has never yet been undertaken. It is hoped that this desideratum may be in some measure supplied in the following pages.

For, besides the national prejudice which has pervaded and perverted many histories of this reign,

there are other reasons which render a new examination of the original evidence highly desirable. Few, even of our English writers, have done full justice to the high intellect and largeness of heart of this great king. He is often represented as fond of arbitrary power ; and as yielding important concessions to his people only from necessity, and under the pressure of adverse circumstances. Yet no imputation could be more undeserved ; no censure more unjust. But we must not anticipate the result of the inquiry. We merely assign it, in this place, as one of the reasons for the present attempt,—that, in our view, no adequate justice has ever been rendered to the nobleness, the practical wisdom, and the generosity of soul, which are apparent in every act and decision of the great founder of the English Constitution.

LONDON,

*November 1860.*

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# The Greatest of all the Plantagenets.

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## CHAPTER THE FIRST.

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### THE TYRANNY.

A.D. 1066—1239.

THERE is no fact upon which historians are more entirely agreed, or upon which the evidence is more abundant, than that of the grinding nature of the Norman tyranny. Unlike the Saxons, who drove the Britons into the mountains and re-peopled the land, the Normans were content to hold England as a conquered possession. Yet they regarded the people with contempt and aversion, and any amalgamation of the two races must have appeared impossible. “The English were oppressed: they rebelled, were subdued, and oppressed again. Their risings were without concert, and desperate. They wanted men fit to head them, and fortresses to sustain their revolt. After a few years they sank in despair, and yielded for a century to the indignities of a small body of strangers without a single tumult.” “The name of Englishman was turned into a reproach. None of that race for a hundred years were raised to any dignity in the state or the church. Their language

and the character in which it was written were rejected as barbarous\*."

The effect of this state of things is shewn by a few statistical details. "In the days of Edward the Confessor, York had 1607 inhabited houses; Oxford, 721; Derby, 243; Chester, 487. At the compilation of Domesday-book, York had but 967; Oxford, 243; Derby, 140; Chester, 282."

Yet this dismal period must have had its darker and its brighter days. Some of the Norman kings were wiser and less ruthless than others; but still the yoke grew increasingly heavy. None of these rulers affected any love for England,—none of them ever thought of it as a home. "Out of a reign of six-and-thirty years, Henry I. spent no more than five uneasy summers in his realm of England." Henry II. was born in France, and died there. He was in Normandy when the English crown devolved upon him; and we notice his presence there in six-and-twenty different years of his reign, which terminated by his death at Chinon in 1189. His successor, Richard, out of his reign of nine years, spent only a few months in his English dominions. Still, these Norman dukes deemed, and justly deemed, their hold upon England to be in no sense a precarious one. The conquered kingdom was well garrisoned. Every district was occupied by a Norman captain of approved valour, who held his estate by the tenure of military service, and was answerable for the tranquillity, or at least the quiet, of the territory which he had received of his chief. Such was the Conqueror's system, when he first took

\* Hallam.

possession of the realm. “To Hugh de Abrincis, he gave the whole county of Chester; to the earl of Mortaigne, 973 manors; to the earl of Brittany, 442; to Odo, his half-brother, 439; to earl Warrenne, 298, with 28 towns or hamlets; to Henry de Ferrers, 222,” and in like manner to many others. The Bruces, one of whom afterwards seized upon the crown of Scotland, obtained more than 40,000 acres of land in Yorkshire.

These Norman knights, for their own security and grandeur, immediately began to build castles on their newly-acquired possessions. The poor people were thus compelled to toil in the dreary labor of forging their own chains. A chronicler of the period thus describes the process:—“They filled the land full of castles,—cruelly oppressing the wretched people with castle-work. And when the castles were built, they filled them with devils and wicked men. They took those whom they supposed to have any goods, and shut them up, and inflicted on them unutterable tortures\*.”

Doubtless, during the reigns of the wisest of the Norman kings, and also wherever the knight or baron of the district had any tinge of humane feeling, the people must have experienced some relief. But, on the whole, the burdens of the nation grew continually more intolerable. In the time of Stephen, the castles had increased to the number of *eleven hundred*. And the uniform tenor of the English chronicles, from the Conquest to the death of king John, is of the most mournful and despairing character. Properly to understand the general despon-

\* *Saxon Chronicle, A.D. 1137.*

dency, we must cast a glance over a few of their complainings :—

“ England could not breathe under the burdens laid upon it. The king’s minions seized on and subverted everything ; committing the most violent outrages with impunity. He ruined his neighbours by extortion ; and his own people by continual fines, levies, and exactions\*.” “ God sees the wretched people most unjustly oppressed : first they are despoiled of their possessions ; and then butchered. This (1124) was a grievous year†.” “ Man rose up against man,—discord was rife through the land, wasting the substance of both high and low. Every one spoiled his neighbour’s goods. The powerful oppressed the weak : death is the lot of him who resists. The wealthy nobles store their castles with provisions, and garrison them with armed bands ; and care little for the oppressions to which the wretched sufferers without are exposed‡.” “ There were many castles in England, each professedly defending the neighbourhood ; but, really, laying it waste. The garrisons seized sheep and cattle whenever they chose. Sometimes arresting such yeomen as were supposed to have money, they compelled them by torture to promise a ransom. It was distressing to see England, once the home of peace and tranquillity, reduced to such a pitch of misery that not even the bishops or monks could pass in safety from one town to another§.” “ The whole aspect of England presented a scene of calamity and sorrow, misery and oppression. A crowd of fierce strangers,

\* Henry of Huntingdon, A.D. 1100.

† *Saxon Chronicle.*

‡ Florence of Worcester.

§ William of Malmesbury.

who had flocked to England to take service in the wars, were scattered among the people. These men were devoid of all bowels of mercy or feelings of humanity. Dwelling in the castles, their sole business was, to devise and carry out the most flagrant outrages. As the barons who employed them were not able to find them regular pay, they had recourse to the neighbouring towns, or monasteries, or any other places which their force enabled them to tyrannize over." "On one occasion, the town of Cambridge, taken by surprise, was plundered ; the churches broken open and rifled, and the place set on fire. This was perpetrated by Geoffrey de Mandeville ; who also broke into the abbey of Ramsey, stripped the altars, and expelled the monks, filled it with soldiers, and made it a fortress. Yet this Geoffrey was a man of note and power, who was often the king's representative ; holding the Tower of London, and having castles in many places\*."

John must be reckoned the last of the Norman kings ; and, as our great modern historian has well remarked, we owe to his weakness the vast benefit of a severance of the connection between England and Normandy. The change was total, and of the highest moment. For a century and a half, England had groaned under an essentially foreign yoke. "The Conqueror and his descendants to the fourth generation were not Englishmen, most of them were born in France ; they spent the greater part of their lives in France ; their ordinary speech was French ; and almost every high office in their gift was filled by a Frenchman†." With John, this state of things

\* *Acts of King Stephen.*

† Macaulay, vol. i., p. 14.

came to an end. For the first time for a hundred and fifty years, England now received a king who was not a Norman. Born at Winchester, and knowing nothing of Normandy but as we ourselves know it, Henry III. came by degrees to think of himself as “an Englishman.”

Yet we cannot date the commencement of our English history from the commencement of his reign; nor can we assign to him the distinction of having been the first English king. His reign was a period of transition; and it was not until a considerable portion of it had passed over, that he began to shew a fondness for Saxon traditions, and a desire to reckon himself among the descendants of Alfred and Edward the Confessor. A weak, good-natured, but vacillating man, he was ruled alternately by his Savoyard and Poitevin relatives; and the struggles and perils of his reign arose chiefly from the jealousy felt by the old Norman barons of the rising power of these new favorites.

Lord Macaulay has well described the splendid period of English history which will presently come before us, in the following terms:—“It was during the thirteenth century that the great English people was formed. *Then* first appeared with distinctness that Constitution which has ever since preserved its identity. Then it was that the house of Commons, the archetype of all the representative assemblies which now meet, held its first sittings. Then it was that the Common Law rose to the dignity of a science; then, that our most ancient Colleges and Halls were founded; and then was formed a language, in force, in richness, and in aptitude, inferior to the tongue of Greece alone.” Another writer adds, that “it was

*this age, of all ages, to which every Englishman ought to look back with the deepest reverence. In this thirteenth century our Constitution, our laws, and our language, all assumed a form which left nothing for future ages to do, but to improve the detail.*" These representations are true ; but they are not true of the troubled and distracted reign of the third Henry. John, the basest and worst of kings, performed for us the good work of setting England free from Normandy ; and his weak, but well-meaning son, began to regard the realm as an independent monarchy ; but to achieve the great works which have just been described, a more powerful hand was needed. Henry III. was not "the first English king ;" but his reign was the link or isthmus between the tyranny which was expiring, and the constitutional monarchy which was about to commence ; and in that light we must consider some of the chief events of his long and troublous reign.

Henry had married, in 1236, the daughter of the count of Provence. Peter Langtoft thus describes her :—

" The erle's daulter of Provence ; the fairest May of life :  
Her name is Helianore, of gentle nurture,  
Beyond the seas there was none such creature."

As Henry's reign is the first in which we hear of a Poet Laureate, it is probable that we owe the idea to this queen ; who was herself addicted to poetry, and from whose pen, it is said, there is a poem still preserved in the Royal Library of Turin.

It was in 1239 that queen Eleanor gave birth to her eldest son, under circumstances which seemed to

mark the commencement or the approach of a new era. The Norman kings were usually of Norman birth; only latterly had one or two first seen the light at Oxford or at Winchester. But now, for the first time after the lapse of centuries, an heir to the English throne was born in the metropolis of the realm. In the king's palace at Westminster, on the night of June 17-18, the queen presented her husband with a son, who afterwards became "the greatest of his race." And now we perceive the ruling bent of the king's mind, at that moment. He instantly gave to this, his eldest son, the name of Edward, "after the glorious king and confessor,"—says the old chronicler,—"Edward, whose body rests in the church of St. Peter," immediately adjoining. That day, the 18th of June,—afterwards to be rendered doubly memorable in the annals of England,—was a day of general rejoicing in the capital city. The nobles of the kingdom, says Matthew Paris, hastened to offer their congratulations; and not the least enthusiastic were the citizens of London, who were delighted that the prince was born among them. The city was illuminated, that night, with large lanthorns; bands of music were called into requisition; and, as the season was favorable, dancing and other sports marked it as a day of general rejoicing.

The kind of feeling which was excited by the birth of an English prince in the English metropolis, and by the king's evident desire to connect the young heir to the throne with his Saxon ancestors, is shewn in the *Worcester Chronicle* of that date. The fact is thus significantly described:—

"On the 14th day of the calends of July (June 18), Eleanor, queen of England, gave birth to her eldest

son, Edward ;—whose father was Henry ; whose father was John ; whose father was Henry ; *whose mother was Matilda the empress ; whose mother was Matilda, queen of England ; whose mother was Margaret, queen of Scotland ; whose father was Edward* ; whose father was Edmund Ironside ; who was the son of Ethelred ; who was the son of Edgar ; who was the son of Edmund ; who was the son of Edward the elder ; who was the son of Alfred."

Thus the old chronicler, whose thoroughly English feeling is everywhere apparent, passes over in utter silence the Norman kings. Edward is accepted as an English prince, because his lineage can be traced to Edmund Ironside, to Alfred, and thus, finally to Egbert, the founder of the Anglo-Saxon line of kings. It was this feeling, doubtless, which generally pervaded the public mind ; and the king's hearty reciprocation of it, by his instant reference to Edward the Confessor, filled the people with joy ; called forth the songs, the dances, the illuminations, of the moment ; and implanted in the popular heart and soul a predilection for this "English prince," which never failed or suffered diminution, during the long period of almost seventy years.

Henry's reign seems, as we have said, the isthmus or link between the days of the Norman tyranny and that constitutional monarchy which arose in the days of his son. But it is not easy to fix a date for the commencement of this transition. It would not be strictly accurate to place it in the first year of his reign ; for a long time passed over before any change of system became apparent. Not until he had reigned more than twenty years ; not until his marriage and the birth of his eldest son, did Henry begin to shew

a wish to abandon the Norman traditions ; and to carry his own and his people's thoughts to Anglo-Saxon times. For these reasons it seems to us, that one of the most rational dates that can be assigned for the commencement of this great transition, is that of prince Edward's birth.

## CHAPTER THE SECOND.

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### THE TRANSITION.

A.D. 1239—1258.

WE have reckoned, with the best English historians, John to have been the last of the Norman kings. We have recognized, with the same authorities, the thirteenth century as the period when the England of modern times first began to assume the character and lineaments which she has ever since worn. But, for so great a change, a period of transition was necessary. That period is found in the latter portion of the third Henry's reign, and some of its features are first discernible about the time of the birth of his eldest son. The record left of this event, by the principal historian of the time, runs thus:—

“This year (A.D. 1239), Edward, the eldest son of the lord Henry the king and Eleanor the queen, was born at Westminster on the 17th of June, late at night; and he was called Edward, which name he received after the most glorious king and confessor, Edward, whose body rests in the church of St. Peter, at Westminster: and, four days after, the lord Otho, at that time legate, baptized him in the church of the convent. He was borne to the font by the lords Robert\*, bishop of London, William, bishop of Carlisle, the bishop elect of Norwich, the lord Richard, brother of the king and earl of Cornwall;

\* Or Roger, according to M. Paris.

Simon de Montfort, earl of Leicester; Henry de Bohun, earl of Hereford and Essex; Simon, arch-deacon of Norwich; Almeric, earl of St. Amand; with the countess of Pembroke, and many other noble ladies\*."

The birth of the young prince gave occasion for the exhibition of two of the worst points of Henry's character,— his thoughtless fickleness, and his unkingly mendicancy. At the baptism of the young prince, one of the chief persons present was Simon de Montfort, son of the great Albigensic crusader. He had married the king's sister, and might, therefore, very naturally claim to assist at the baptism of his wife's nephew. Yet, when he presented himself, a few weeks after, at the ceremony of the churhing of the queen, the king assailed him with the bitterest reproaches; accused him of perjury, and of gaining the princess's affections unlawfully; and, finally, drove him from his presence with many threats. The earl, with natural indignation, took the princess, his wife, and embarked almost immediately for the continent. This was only one among many quarrels between Henry and his able and ambitious brother-in-law. Yet, at intervals, the king appeared reconciled to him; trusted him, and placed him in positions of power and authority. In the end, the patience of the earl was exhausted; and he, who might have been Henry's most valuable subject and servant, became, in the end, his rival and his master. Equally foolish, and equally fatal, was the king's reckless waste of, and eager craving for, money. He had a taste for splendour and magnificence, without

\* Matthew of Westminster.

the least talent for financial affairs. Hence his whole reign was one long series of pecuniary troubles. His estates and his ordinary revenues were insufficient to satisfy the greedy demands of the Savoyard dependents on Eleanor the queen, and the Poitevins, his half-brothers, who had been sent to England by his own mother: consequently, any opportunity by which money could be obtained, was eagerly seized by Henry. It was the custom of the times for rich gratulatory presents to be made, on occasion of such a birth as that of the prince. The king sought for such presents, at this moment, with such urgent avidity, as to give occasion to the remark,—“God has *given* us a prince, but the king *sells* him to us.”

These two faults in Henry’s character,—his rash and fickle impulsiveness, and his entire inability to understand the conduct of his financial affairs,—made his reign a lengthened course of difficulty and dishonor. Yet his character was not destitute of more pleasing features. His failings partly arose out of a too kind and facile disposition. He was not ambitious, nor tyrannical, nor revengeful. He was fond of architecture and the fine arts. Several of our noblest cathedrals were upreared in his reign; and England saw in him, for the first time for two hundred years, a king who was both faithful to his consort, and beloved by his children.

The year which followed prince Edward’s birth was a notable one in several respects. After causing an oath of fealty to the young heir to the crown to be publicly taken by the principal nobility, great prelates, and the leading citizens of London, the king attended, first, the consecration of the Temple

church, as it now stands; and, soon after, that of the cathedral church of St. Paul, an enormous pile, which perished in the fire of London, and which far exceeded, in all its dimensions, the temple which Sir Christopher Wren upreared in its room. Meanwhile, Westminster Abbey, during the greater part of this king's reign, was slowly but constantly advancing. It is at this period that the "Norman" style ceases; and the "Early English" takes its place.

The king's taste for Saxon recollections grew more and more predominant. The name selected for his second son, was that of "Edmund," the grandson of King Alfred. About the same time, also, he resolved to prepare a new and splendid shrine for the reception of the remains of "the glorious king and confessor, Edward," after whom he had named his eldest son. The work was entrusted to the best artists that England could supply; and was, for centuries, one of the richest ornaments of that noble church in which the last Saxon king lay buried.

A great change, then, has taken place, or rather, has commenced, in the temper and modes of thought, of the governing classes in England. Normandy, formerly the power which governed England, is now scarcely ever named; and even Gascony, the remaining English province of France, is neglected. Home projects, *English* interests, have now a decided preference. The king is a sincerely religious man, and the church has great influence with him. Besides a prodigious expenditure on several noble cathedrals, great sums are laid out, in every part of England, on abbeys and monasteries of every kind. Festivals are frequently mentioned, on the occasion of the com-

mencement or completion of some of these works. And it is evident that these gatherings, to which both Saxons and Normans must have been invited, must have greatly tended to that fusion of the races, and abatement of the old animosities, which we know to have been at this time going on.

Henry's care for his son, and his early provision for his education, are indicated in some of the records which still remain. As early as in the year 1242, we find an order in these terms :—

“Pay out of our Treasury, to Hugh Giffard and William Brun, £200, for the support of Edward, our son, and his attendants residing with him at our castle of Windsor\*.” And, in 1246, when prince Edward was in his seventh year, and his brother still younger, Hugh Giffard's death is noticed, and he is styled “a nobleman of the household, and preceptor to the princes†.” It was in the following year that prince Edward was seized with a dangerous illness ; and the king wrote to all the religious houses near London, requesting their prayers for his recovery.

We are not informed who succeeded to Hugh Giffard's post, but there can be no doubt that it was quickly filled. Two men of great talent and ability are found in attendance on the prince while in Palestine ; and they were both churchmen. Burnell became bishop of Bath and Wells, and chancellor ; and Anthony Beck obtained the bishopric of Durham. The first was the prince's chaplain and private secretary ; and both are named executors in the will made at Acre, in 1271, after the attempt on his life. It is probable that one or both had some share in his

\* Devon's *Issues of the Exchequer*, p. 18. † Matthew Paris.

education. That his tutor must have been a churchman, we know, from the impossibility of finding a competent person in any other walk of life. We find, too, throughout Edward's whole course, the clearest indications of such a training. He was always a devout man, frequent in pilgrimages, religious retirements, and such observances; although he could firmly withstand the pretensions of the clerical order when carried to excess. In his letters, too, and in his conversation, the language of Holy Scripture is ever in his mouth. His reading appears to have been chiefly confined to the Old Testament; and Joshua, Moses, and David, seem to have been his great exemplars. Whenever his justice, in after-life, seems to wear a character of sternness, we generally find that some passage from the Old Testament is predominant in his mind.

A few years pass over, and the young prince has become a youth of fine stature, frequently spoken of as "Edward with the flaxen hair." The king was evidently both fond and proud of him, and he seized the earliest opportunity of giving him a position of importance. This opportunity was soon found.

Guienne, though a noble possession, had been treated in a careless and neglectful spirit. For some years back its government had been given to the king's brother, Richard, earl of Cornwall, who is chiefly remarkable in history for his enormous wealth, and for his attempt on the imperial crown. Richard went to Bourdeaux, and received the homage of the Gascons; and continued for some years to hold the government. But, as the young prince began to rise towards manhood, Henry desired his brother to relinquish his post, that he might be able, after a while,

to confer the government on his son. Earl Richard shewed great reluctance; whereupon the king revoked his appointment, and expelled him from the province. Needing, now, a man of ability, to hold the country for him, he appointed Simon de Montfort to the government. The earl held the post for several years; but the Gascons were often mutinous and discontented, and it is probable that the weight of his hand was painfully felt. The people of Bourdeaux sent over their archbishop, at the head of a deputation, to bring heavy accusations against their governor. Earl Simon, hearing of this, and knowing the fickleness and uncertainty of Henry's temper, soon followed them over to England, to plead his own cause.

A day being appointed, the king sat to hear the whole matter. The Gascons stated their grievances, and the earl replied to their charges. Matthew Paris, who probably was himself present, tells us, that the earl refuted and silenced the complaining parties; but the king shewed an evident disposition to censure or condemn him. The earl, feeling aggrieved, began to charge the king with deserting him. The king, full of anger, let fall the word "traitor." The earl, "highly incensed, told the king that he lied; and added, that, but for his place and dignity, it should have been an evil hour for him in which he uttered such a word." "The king, who could hardly contain himself for rage, would have ordered the earl to have been seized, had he not been aware that the nobles present would not have allowed such a step to be taken. Friends on each side interrupted the dispute, and so they separated."

It is one of those strangely-sudden changes which mark the weakness of Henry's character, that the

next circumstance narrated is, that the king proposed to earl Simon to return to his government of Gascony\*. As this was, in effect, an acquittal of the earl of all charges brought against him, he accepted it without hesitation, and forthwith embarked for Bourdeaux. But Henry had evidently been actuated, in making this suggestion, chiefly by fear of the earl, and a wish to secure his absence. For, as soon as he had quitted England, “the king ordered all the Gascons who were in London,—the archbishop of Bourdeaux, and others who had accompanied him,—to assemble immediately. He then made a public declaration, that he gave Gascony to his eldest son, prince Edward. This step was very acceptable to the Gascons, who at once did homage and swore fealty to the young prince. He then made noble presents; and they all partook of a sumptuous feast.” But the practical operation of this absurd proceeding was just what might have been expected. The king had given his sanction to two different and incompatible governments. Earl Simon had resumed his authority, and he was a man of talent and of martial power. But the archbishop and the rest of the deputation, returning home, set the earl at nought, and declared the prince to be their rightful governor. The greatest confusion naturally took place. It was to be expected that the Gascons would rather side with their own archbishop than with a foreign soldier. But the earl was fully able to maintain his own cause. Soon, therefore, the Gascons sent over a message to the king, that unless he came immediately to Gascony in person, he would assuredly

\* Or Guienne:—the two names being constantly used, in the chronicles of the times, as if they were synonymous.

lose all his possessions there. Henry, alarmed, sent them word that he would visit them shortly ; and that he, in the meanwhile, revoked Earl Simon's appointment, and absolved them from all obedience to him.

Accordingly, on the 6th of August, 1253, Henry, after appointing the queen and earl Richard his brother, guardians of the kingdom, embarked at Portsmouth, accompanied by a fleet of three hundred vessels. "The prince, after his father had kissed and wept over him at parting, stood sobbing on the shore, and would not leave it so long as a sail could be seen." The king, having taken a considerable force with him, quickly regained possession of all the fortified places in Gascony ; granting mild and favorable terms to the revolted parties. But it was soon seen that he had ulterior views of a larger and most extensive kind. Alfonso of Castile had some pretensions to Gascony ; and there was a party in the province prepared to support his claim. So soon, therefore, as tranquillity had been restored, Henry sent into Spain the bishop of Bath, and his favorite minister, John Mansel, to propose to the Spanish king an amicable arrangement of their respective rights. This was to be effected by a matrimonial alliance between the young prince, heir to the throne of England, and the princess Eleanor, the sister of king Alfonso. On such a marriage, Alfonso might transfer to his sister, as a kind of dowry, "whatever rights he could or might have in Gascony." This proposal was accepted, and a special treaty or charter sealed with gold, which is now in the Chapter-house of Westminster, was soon brought to Henry, and received by him with great delight. The Spanish king, however, with the state-

liness of his nation, required, “that the prince should be sent to him, that he might examine into his skill and knowledge, and confer knighthood upon him.” And thus was this royal marriage agreed upon, in the absence of the parties, and without any previous acquaintance having existed between them. But, of all the marriages of this kind which are upon record, there is probably no one which was productive of more mutual happiness than this of Edward and Eleanor. The qualities, both of mind and person, possessed by the young prince and princess, must have chiefly contributed to this result.

The king having communicated the news of his success to his consort, queen Eleanor began, early in 1254, to make preparations for a voyage, with her son, into Gascony. One incident, which occurred in the course of these preparations, seems to evince the existence of a loyal attachment, either to the young prince, or to the royal family generally. The people of Winchelsea had prepared some ships for the service of the queen ; but those of Yarmouth fitted out and sent to Winchelsea a large and handsome vessel, well armed, and manned with thirty skilful seamen, to be at the service of the prince himself. The Winchelsea men, enraged at being outdone, got up a quarrel, made a sudden attack, and succeeded in burning the Yarmouth vessel. The queen, annoyed at this quarrel, but concealing her annoyance as much as she could, determined to embark at Portsmouth, from which place she took her departure on the 29th of May, under the guardianship of the archbishop of Canterbury, her uncle ; having with her, her two sons, Edward and Edmund ; attended by forty knights, and a noble retinue. She reached

Bourdeaux in safety; and from thence proceeded across the Pyrenees to Burgos, where she arrived on the 5th of August, 1254. Alfonso was much pleased with the personal appearance and qualities of the young prince. Edward's bride, Eleanor of Castile, was well suited to him in personal loveliness. The effigies of her which are still extant, suffice to place this beyond a doubt.

The marriage festivities being concluded, the prince returned, with his bride, to his father at Bourdeaux. The king, with natural delight, but with his usual disregard of expense, prepared so grand a festival for his son's reception, as to excite the indignation of some of the English lords, who could easily foresee the consequences which would follow. Henry returned to England laden with debts, incurred during his stay in Gascony, which exceeded 300,000 marks.

Still, on his way home, he could not be restrained from similar indulgences of his passion for splendour and magnificence. He paid a visit to Louis of France, who had only recently been released from his captivity in Palestine. "Henry had in his own retinue a thousand horses ridden by men of dignity and rank, besides waggons and sumpter-horses." Louis assigned to him for a lodging the Old Temple, in which building, says Matthew Paris, "there was sufficient room to lodge an army." Here, Henry's first order was, that as many poor as the place would accommodate should have a feast. Next, a sumptuous banquet was prepared for the kings, queens, nobles, and "all comers." Matthew of Westminster says, "there were present at this banquet, the two kings with their queens, twenty-five dukes, twelve bishops, eighteen

countesses, and, of illustrious knights, a host." The next day Henry sent to the French nobles at their abodes, "rich cups, gold clasps, silk belts, and other princely presents."

After a few days the English took their leave,—king Louis accompanying them a day's journey. Henry was detained by the weather at Boulogne; but reached Dover at the commencement of the new year, 1255. After so many months of costly magnificence, he had now to face an accumulation of debt which, as he himself said, "it was horrible to think of." After his usual manner, he immediately began to demand and to exact money from the Jews, from the city of London, and from the clergy. But about Easter he was forced, however unwillingly, to ask an aid from a parliament, summoned on the occasion, to discharge some of the debts which, as he pleaded, he had been forced to incur in quieting the disturbances in Gascony.

The young prince and princess did not come to England with the king. The prince was, in some sense, the king's lieutenant or governor in Gascony; and he seems to have remained there for more than a twelvemonth, to make himself acquainted with the province and its circumstances. The young princess preceded him in her journey by about a month. She landed at Dover, with a great retinue, in October, 1255, and reached London on the 17th of that month. She was received with great state by the king, the nobles, the lord mayor, and chief citizens, who went out in a great procession to meet her, and who escorted her to the palace of Westminster. The prince arrived in England in the last week of November, and he then, with the princess, took up his abode at

the palace of the Savoy. The next Whitsuntide we find him at Blythe; where a tournament was held, and where the prince, clad in light armour, attended for further instruction in the laws and usages of chivalry. In August, his sister, the young queen of Scotland, with her husband, paid a visit to the English court; and king Henry's fondness for splendour and magnificence was again exhibited. The Scottish king and queen were first received at the palace of Woodstock, where, such was the concourse of distinguished guests, that tents and pavilions were erected in the grounds; and Oxford and all the villages round were thronged with the visitors. From Woodstock the royal party proceeded to London, where the citizens received them with due honor; and John Mansel, the king's favorite minister, entertained the whole court, with the chief prelates and nobles, at a festival, in which the first course is stated to have consisted of seven hundred dishes.

Prince Edward had now entered upon public life. The king professed to give him, on his marriage, Gascony, Ireland, Wales, and the earldom of Chester. If these provinces failed to furnish him with a revenue of 15,000 marks, (£10,000,) the king undertook to make up the deficiency. As the money of those days requires to be multiplied by fifteen, to bring it to our present value, this was, evidently, a noble revenue. But then, on the other hand, the claims upon a prince who was regarded as the ruler of Gascony, the owner of the earldom of Chester, and in some sort the chief lord of both Wales and Ireland, must have been both unceasing and large.

This soon became painfully clear. In conferring such powers and honors on the young prince, Henry

had indulged two very distinct and different feelings. He was proud of his son, and loved to place him in a position of honor and authority ; but he also was very ready to shift any trouble or perplexity from his own shoulders to the shoulders of another. And in 1257, the year after the prince's settlement in England, the Welsh made a new inroad, breaking into the adjacent counties of England, and spreading devastation wherever they went. Edward was then in his eighteenth year, and he at once carried the news to his father, of the invasion of his earldom of Chester. The king, with his usual dislike of trouble, exclaimed, “What is it to me ?—the land is yours ! Exert yourself,—gain fame in your youth,—make your enemies fear you ; as for me, I am occupied with other matters.”

Thus called on, the prince began to endeavour to meet the occasion. He borrowed of his uncle, the earl of Cornwall, 4,000 marks, and set to work to embody a military force. He was now often seen at the head of two hundred horsemen. But all that he could do was quite inadequate to cope with the power of Wales. The Welsh had in arms, says Matthew Paris, nearly 30,000 men, including five hundred knights, well armed ; and they had also the advantage of being able, whenever they chose, to retreat into mountainfastnesses, which to the English were quite inaccessible. Thence, when it suited them, they poured into Cheshire or Herefordshire, wasting everything with fire and sword. It seems probable that, once or twice, the young prince, with a few hundred men-at-arms, tried to stop their progress, and was overpowered. This, at least, is certain, that during the greater part of Henry's reign, the Welsh, under

Llewellyn, were formidable and dreaded neighbours to all the neighbouring parts of England.

Henry, meanwhile, with that want of judgment and discretion which marked his whole course, instead of concerning himself with the good government of his own kingdom, was busied in forming wild schemes with reference to France. The Welsh wasted with fire and sword his western border; but he was occupied in laying plans for the recovery of Normandy, which had been lost half a century before by the folly of his father. "The king sent," says the chronicler, "the bishop of Worcester, the bishop elect of Winchester, the earl of Leicester, the earl marshal, and Peter of Savoy, on a special embassy to the king of France, to make some arrangements for the restoration of the possessions which belonged to the crown of England in time of old." Evidently, to expect that France, strong and at peace, would quietly relinquish a noble province like Normandy, was utterly unreasonable. We read, without surprise, that "the embassy met with nothing but hard speeches and threats, and a flat refusal" even to entertain the question. Louis, however, was so far alarmed by the application, as to order all the Norman castles to be put into a state of defence; and committed to the care of trustworthy persons; although England was in no condition to undertake, at that moment, an invasion of France.

It is to this period, doubtless, that we must refer the MS. ballad which is found in the Royal Library at Paris\*, some of the verses of which are as follows:—

\* *Bibl. du Roi.* No. 7218, fo. 220, v°.

“ De ma ray d'Ingleters qui fu à bon naviaus,  
 Chivaler vaelant, hardouin, et l'aus,  
 Et d'Adouart sa filz qui fi blont sa chaviaus,  
 Mai covint que je faites .j. dit troute noviaus.”

Further on, Henry says—

“ (P)ar la .v. plaisir à Diex, Parris fuit vil mult grant  
 Il i a .i. chapel dont je fi coetant;  
 Je le ferra portier, a .i. charrier rollant,  
 A Saint Amont à Londres toute droit en estant.

“ Quant j'arra soz Parris mené tout me naviaus,  
 Je ferra le moustier Saint Dinis la Chanciaus  
 Corronier d'Adouart soz sa blonde chaviaus.  
 La voudra vous toer de vaches à porciaus.

“ Je crai que vous verra là endret grosse fest,  
 Quant d'Adouart arra corroné France test.  
 Il l'a bien asservi, ma fil; il n'est pas best;  
 Il fuit buen chivaler, hardouin, et honest\*.”

Henry's fondness for his son, as well as his utter want of judgment and discretion, is apparent in this wild scheme of setting him on the throne of France. The sad reality was in terrible contrast to this dreamy romance. While he was scheming the conquest of France, the little principality of Wales was setting England at defiance. The prince was left to defend Chester and Hereford from their attacks, with no other force than a few hundreds of disorderly men-at-arms; and with no funds even for the support of this petty force, except what he could raise by pledging his lordships to his uncle. The king at last awakened to the danger; he called together his mili-

\* See *Political Songs*. Camden Society. P. 68.

tary tenants, and proceeded with something like an army to seek out and chastise the Welsh. But their usual tactics were immediately resorted to. They retreated into their mountain-fastnesses ; and the English army, after suffering much from cold and hunger, was forced to withdraw. There can be no doubt, however, that it was the experience gained in these unsatisfactory struggles, that afterwards enabled Edward, at the beginning of his own reign, to deal with the Welsh in the masterly and triumphant manner which we shall presently have to describe.

Another incident which occurred about this time, throws light upon the strongly-contrasted characters of the king and his son. Henry had professed to give Gascony over to the prince's care and government ; his principal object being to rid himself of trouble. But his officers did not withdraw, but continued as before to seize quantities of wine at Bourdeaux for the king's use. The Gascons sent over to the prince to make complaints, and to ask redress. Edward went at once to his father ; and declared that " he would not tolerate such proceedings." "The king," adds the chronicler, "with a deep sigh, exclaimed, ' My own flesh and blood assail me!—the times of my grandfather, against whom his own children rebelled, are returning!'" But the prince, certain of the justice of the complaint, was firm, and Henry was forced to promise that these wrong-doings should cease.

These two princes, the father and the son, were each now taking that place, and manifesting that character, which they were respectively to occupy in the page of history. The weaknesses of the king, his impulsive unguardedness and want of control, were

becoming more and more manifest; while his son was rapidly maturing, in judgment, discretion, firmness of character, and an unvarying love of justice.

Henry's unkingly acts, his rashness, and his meanness, frequently manifest themselves at this period. In a council held in London in 1255, he had an altercation with the earl marshal, whom in his passion he called "a traitor." The earl replied, as Leicester had done on a former occasion, by giving the king the lie; and by challenging him to say what offence he had committed, or with what sentence he could visit him. "I can send and seize your corn," said the king, "and thresh and sell it!" "Yes!" replied the earl, "and I can send you the heads of the threshers!" On another occasion, one of the judges, Sir Henry de Bath, had been so flagrantly corrupt, that he was accused in a parliament held in London, of having seized a man's estate to his own use; and of having released a convicted criminal for a sum of money. The judge knew his case to be so indefensible, that he came to the parliament attended by many powerful friends; one of whom, a knight, offered wager of battle to any of his accusers. In the course of the altercation the king's passions were so roused, that he exclaimed, "If any one shall kill Henry of Bath, he shall be quit of his death, and I declare him quit of the same!" But Mansel, the king's chief minister, interposed, saying, that the king, doubtless, on reflection, would be sorry for that speech. Finally, the judge was permitted to depart, and on paying a heavy fine, he was pardoned.

And, when even the judges of the land were thus corrupt, it was inevitable that disorders should

abound in other quarters. We learn, therefore, without any surprise, that "the whole county of Hampshire swarmed with felons and murderers;" until, at last, "the king was obliged himself to sit on the bench of justice at Winchester, trying and sentencing the offenders; many of whom were wealthy, and some of them his own servants."

Yet there were brighter, as well as darker, parts of the picture. Churches, abbeys, and cathedrals, rose on every side. In 1258, the splendid cathedral of Salisbury was consecrated. "On the day following the feast of Michaelmas," says Matthew Paris, "the church of Salisbury was dedicated by Boniface, archbishop of Canterbury, in the presence of the king, and a numerous body of the prelates; the bishop providing entertainment for all that came." The foundation of the church had been laid in the fourth year of Henry's reign, A.D. 1220. We have already remarked the tendency of these celebrations to help forward that amalgamation of the races which was now going on. The consecration of a cathedral,—the ordinary services of a cathedral,—the festivities attending its consecration,—could not be confined to a few Norman knights and their retainers. The people who thronged together on these occasions by thousands, must have been the *English* people, who were chiefly Saxon. And a reign of more than fifty years, spent in the cultivation of such tastes as these, must have done much to produce that fusion of races which first begins to be evident in the conflict which will form the subject of the next chapter.

Meanwhile, however, the weaknesses and foibles of this weak but well-meaning king, were rapidly

bringing on that conflict. During all the latter half of his reign, Henry was deeply involved in debt. Repeatedly did he bring his wants and distresses before councils and parliaments ; and at last it became a common thing for him to receive complaints and reproaches instead of money. Thus, at a parliament held in 1248, "the king was severely blamed," says Matthew Paris, "for the indiscreet way in which he invited foreigners into the kingdom, and for lavishing his property and revenues on them. Also, that he appointed to the great offices, only such persons as served his pleasure in every way, not seeking the public weal, but only their personal advantage." This discontent with the king's conduct, and with the conduct of his ministers, led the parliament, more than once or twice, to refuse the king's application, and to resolve upon granting no "aid" or "benevolence." These refusals often drove Henry to downright mendicancy. At one time he would write to men of substance in such terms as these :—"I am a poor man, and entirely destitute of money ; and I find it necessary to ask for assistance. I do not exact anything, but ask it as a favor. Whoever will do me this kindness, to him I will requite it as opportunity offers ; while, whoever refuses me, to him will I also give a denial in my turn." At other times he would economize in his household expenses, by paying visits, with the queen, to nobles or other wealthy persons ; all of whom were made to understand, that the king expected some rich present, when he did a subject so much honor.

During all the latter half of Henry's reign, he suffered every kind of humiliation from pecuniary embarrassment. His applications to councils or

parliaments were repeatedly refused or sparingly and grudgingly responded to. They reproached him with his prodigality, and his wasteful fondness for "the foreigners." He acknowledged his fault, and promised amendment. They sometimes even required an oath. He gave it; but when the necessity was over, the pledge was forgotten, and the revenues of the crown were again lavished on these favorites. "It was not that Henry was by inclination a vicious man; he had received strong religious impressions:—though fond of parade, he avoided every scandalous excess; and his charity to the poor, and attention to public worship, were deservedly admired. But his judgment was weak, and his will, it must be added, was often at the command of others."

## CHAPTER THE THIRD.

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### THE CONVULSION.

A.D. 1258—1267.

WE have spoken of Henry's reign as, unquestionably, a period of transition—a period during which the old Norman tyranny gradually disappeared, and that system of constitutional law began to uprear itself, which has, in the course of five hundred years, made England

“A land of settled government;  
A land of just and old renown;  
Where Freedom broadens slowly down,  
From precedent to precedent.”

It was in this thirteenth century,—again to cite the testimony of the most popular of modern historians,—that the England in which we live, with its constitution, laws, language, and institutions, first began to rise into being.

Yet it would be an error were we to pretend to find more than the first indications of such an approaching change in the reign of this weak though well-meaning king; and even these faint indications are not perceptible until the middle of Henry's reign. We have spoken of the birth of his two sons, and have remarked their baptism with Saxon names, as a circumstance indicating the bent of the king's mind, about the twenty-fifth year of his reign. Yet

we can hardly admit the claim, which was advanced for Henry in his epitaph, of being "truly an Englishman," in the face of the notorious fact, that a fearful conflict arose, between the fortieth and fiftieth years of his long reign,—which conflict was brought on chiefly by the king's unconcealed preference for "foreigners."

And what a strange and startling fact is this, and how pregnant will it be found, when thoughtfully considered, with consequences of momentous import. For several years the king never met his council or parliament without being reproached with his predilection for "foreigners." What a transition, or rather, what a total change, is here implied!

For, had not England been ruled, in the most absolute manner, for nearly two centuries past, by those whose greatest boast it was, that they were in all respects, foreigners? Out of seven kings who succeeded each other, in turn, upon the throne of England, had not all but one received birth in France? And among their followers, during all these generations, was not the name of Norman deemed a boast, and that of Englishman, a contumely? We are reminded that "May I become an Englishman if I do!" was their ordinary imprecation; and "Do you take me for an Englishman?" their most indignant denial\*. What a wondrous change then, must have taken place among these men, when they raised the cry of "England for the English," and banded themselves together to expel "all foreigners."

Yet the chief motives for this change were suffi-

\* Macaulay, vol. i. ch. i.

ciently evident. The Delacys, Bigods, Bohuns, Ferrerses, and others, who had shared with the Conqueror in the invasion and partition of England, had now been settled in their respective possessions for nearly two hundred years; and, latterly, their intercourse with Normandy had nearly ceased. England had gradually become their home; the king of England was their captain and leader; and the land of England belonged to the king *and to them*. It became, therefore, increasingly easy for them to forget the ancient origin of their houses, and to think and speak of themselves as Englishmen. Meanwhile, causes of alienation between the king, their feudal chief, and the principal Norman barons, had occurred; and new rivals, recently imported from the continent, had begun to excite their envy and resentment. John had quarrelled with the barons, and Henry, his son, had inherited some of his feelings of dislike and dread for these old Norman chiefs. His marriage with Eleanor of Provence led to a large influx of her Savoyard connections into England; and his mother, the widow of John, who had married the count of Poiteau, sent her sons and other Poitevins to seek a share in the honors and advantages of the court of England. The king, facile and good-natured, allowed these new favorites to monopolize all the favors which he had it in his power to bestow; and the great barons of England found themselves rivalled and insulted at court, by those whom they deemed nothing more than "foreign adventurers."

Much of the indignation expressed by them was doubtless genuine and sincere; but in some cases it was evidently simulated. The great leader of the discontented barons, Simon de Montfort, was, to all

intents and purposes, a foreigner ; yet he was one of the foremost to raise the cry against the Savoyards, the Poitevins, and the Italians. But his own parents were French, and the only connection of his family with England arose from the marriage of his grandfather, Simon the Bald, with a daughter of Blanchmaines, earl of Leicester ; after which marriage one of the sons always set up a claim to that earldom. This marriage took place in 1165 ; and a son of Simon the Bald, after trying to gain the earldom of Leicester, took up the crusade against the Albigeois, and died count of Toulouse. His fourth son became a soldier of fortune, and, calling himself "Earl of Leicester," came to England, where he gained, clandestinely, the affections and the hand of king Henry's sister. The real titles and estates of the family were in Evreux and Montfort ; and all of them were, in England, "foreigners."

We cannot, at the distance of five hundred years, pretend to form a clear and positive opinion as to earl Simon's character. He enjoyed, in his lifetime, vast influence and popularity ; and was elevated by the people, after his death, to the rank of a martyr. He was, at least in profession, a very devout man ; and he probably resembled Cromwell in many of the chief features of his character. Both were men of great talent and force of intellect ; and both were opposed to well-meaning but weak and deceitful kings. It may be pleaded, as some extenuation of their guilt, that circumstances led them into courses which they never seriously purposed to take ; and that, like Hazael, if the future could have been predicted to them, each would have exclaimed, "Is thy servant a dog, that he should do this thing ?"

It was one of Henry's chief misfortunes, growing, evidently, out of his mental weakness, that he never succeeded in forming a cordial alliance with this great earl. There was that evident shrinking, on Henry's part, which is commonly manifested by weak minds when brought into contact with energetic and powerful ones. The chroniclers tell us, that on one occasion, when the king, in his barge, had embarked on the Thames for a water-excursion, a thunderstorm came on, which obliged him to seek a refuge. He landed at the palace of the bishop of Durham, which was then near the Strand. It so happened that earl Simon was staying with the bishop; and on the approach of the king's barge, the earl went out to meet it; saying to the king, "There is nothing to fear now, my lord, the storm is passing over." The king, annoyed at meeting him, exclaimed, with his usual rashness, "I fear thunder and lightning not a little; but I fear *you* more than all the thunder and lightning in the world!" To which the earl replied, "It is strange, and most unjust, my lord, that you should fear me, your real friend; who have been always faithful to you and yours;—much rather should you fear your flatterers, who are your greatest enemies—in fact, your destroyers."

The time was now come, when upon the friendship or enmity of this great leader the king's safety and happiness would chiefly depend. We have already mentioned the increasing insolence of the Welsh, and the failure of Henry's expedition against them. Early in 1258, the king summoned a "concilium" in London, to consider the state of affairs in Wales, and to adopt measures for another campaign. Thither came all the discontented barons,—the earl

marshal, and earl Simon, both of whom had already given Henry the lie to his face, with many others who had received affronts or injuries at his hands. On the other side, stood in the front, those whose aid was a source of weakness to the king,—William of Valence, earl of Pembroke, the chief of the Poitevins, with his brethren, all of them hated by the Norman lords. They were detested for their arrogance, and envied for their wealth. For, while the king was always poor, and always distressed for want of means, his nearest favorites,—the earl of Cornwall, the earl of Pembroke, John Mansel, and others,—were all enormously rich. A quarrel might therefore be looked for; and the young prince, then not quite nineteen years of age, was likely to be introduced to scenes of eager and envenomed political conflict.

The king explained the state of affairs in Wales; and urged the necessity of some immediate provision for the ensuing campaign. William of Valence followed, and bitterly complained of the ravages of the Welsh in his county of Pembroke. The king, with his usual thoughtlessness, turned upon his own favorite, and exclaimed, “Ah! my dear brother, why do you not help me with some of those hoarded treasures of yours, and so relieve me from one of my greatest difficulties?” Pembroke, not relishing this personal appeal, turned the discussion another way. Earl Simon was understood to be in communication with Llewellyn of Wales, and Pembroke replied, that he “should not fear the Welsh, if it were not for the traitors *at home*, by whom they were abetted and encouraged.” His glance was probably directed towards Simon de Montfort, who instantly exclaimed,

“Who do you call traitors?” “You, first of all!” replied Pembroke, with equal pride and anger. Leicester rushed upon him; and if the king and the other lords had not thrown themselves between, the two earls would have joined in deadly encounter in the royal presence.

Such a scene as this was not likely to abate the anger of the confederated barons, who had already proposed to themselves “the expulsion of the Poitevins” as one of their principal objects. The pride and arrogance of William of Valence made that a stedfast resolution which until then had only been doubtfully contemplated. But the plans of earl Simon and his friends were not yet sufficiently matured. A proposal was therefore made, which was agreed to on both sides, that the meeting should be adjourned for a few weeks; and that it should reassemble at Oxford, which would be fifty miles nearer to Wales, on the feast of St. Barnabas. On that day, the 13th of June, the barons agreed to meet the king, and to bring with them their proper military contingents, so as to be prepared for a Welsh campaign. And so the winter, or London, sitting of this “concilium” ended.

The 13th of June saw all the parties again in presence of each other at Oxford. The barons had kept their word, and had assembled their retainers, and Oxford found itself suddenly a camp. One account states the force assembled by the barons at 60,000 men; but this is doubtless an exaggerated estimate. Still, whether we suppose their followers to have been 30,000 or 15,000—either number would place the king wholly in their power. The want of means had rendered it impossible for Henry to bring

together an army, even had he been so disposed ; but whatever his suspicion or dread of earl Simon might have been, we discover no trace of any foresight on his part of the grave events which were about to take place. Earl Simon and his supporters, however, came to Oxford well prepared, both to dictate a new system of government to the king, and also to compel his performance of the terms agreed upon, so soon as such an agreement should have been adopted. They followed, to a considerable extent, the course taken by the barons in the preceding reign. John had been obliged to submit to be placed under the control of a council of twenty-five barons. Henry was required to resign all substantial power into the hands of a council of twenty-four. There was a greater apparent liberality exhibited in the present case, inasmuch as Henry was permitted to name twelve out of the twenty-four ; but then, on the other hand, the cession of all real power into the hands of this new council was more complete, in the present instance, than it had been in the case of the treaty of Runnymede. Unlimited authority was given to these twenty-four barons ; and the king was required to swear that he would confirm all their ordinances. Had he been able to bring against their chosen twelve an equal number of men of influence who were attached to himself, the king might at least have shared in the government. But scarcely any of the nobles of the kingdom adhered to him. His foolish fondness for his half-brothers, the Poitevins, and for the queen's Savoyard relations, had so alienated the Norman lords, that all the authority of the new council was practically wielded by earl Simon and his friends.

The testing question in all these discussions constantly was, the *possession of the castles*. To have these was to have power; to get the king's castles into their own hands, was to have the authority of the crown transferred to them; and the application of this test soon effected one of their purposes—the expulsion of the Poitevins.

The king appears to have surrendered his sceptre without a struggle; we do not hear of an hour's resistance on his part. The next person called on was the king's brother, the earl of Cornwall. He was in Germany, but his son was present. Young Henry, however, avowed his unwillingness to give in his own adhesion, or his father's, till he should have taken the earl's pleasure. The barons consented to a delay of forty days, peremptorily declaring, however, that if the earl did not then swear to the "Provisions," he should not retain an acre of land in England.

The Poitevins, who were the parties chiefly aimed at, were next called on. They declared with one voice, that they would not swear to the Provisions; nor would they give up one castle or one manor that the king had bestowed upon them.

But earl Simon knew his power, and he was not disposed to shew any tenderness in his dealings with these insolent favorites. Meeting Pembroke's arrogance with equal sternness, he said, "Know for a certainty, and as a thing beyond all doubt, that you shall either give up the castles you hold of the king, or lose your head."

When matters had come to this pass, it was a natural thing for the Poitevins to resolve upon flight. In Oxford, surrounded on all sides by the

barons and their armed bands, they were not safe for a single hour. Veiling their intentions, therefore, under a convenient pretext, they fled, making for Winchester, of which see, one of their own number, Ethelmar, was bishop. In his castle they hoped to find a refuge. But, the moment their flight was discovered, the barons sent a force in pursuit. They were overtaken, and forced to consent to leave the realm. “They were conveyed to the sea-shore, and put on board ship, having first been made to swear, not to compass the hurt of England, by themselves or others.” As soon as this expulsion had been effected, their castles and estates were escheated and taken into the king’s (*i. e.*, the barons’) hands. Prince Edward was just entering his twentieth year when these scenes took place. We may easily imagine the anguish they must have caused him. His father humiliated, and in all but the name, deposed ; his uncles banished, and their estates confiscated ; the throne itself visibly tottering. He had warm affections, and must have endured unutterable pain, while all these calamities were falling upon his family. Yet, on the other hand, his mind was one distinguished by its remarkable uprightness and sagacity. He could not be blind to his father’s many faults and transgressions, or deny the justice of many of the accusations of earl Simon and his supporters. We know of no finer instance of entire uprightness, than his conduct at this crisis shewed. First, “the lord Edward, being brought to it *with great difficulty*, submitted himself to the ordinance and provision of the barons.” But, secondly, when he so submitted, he did it honestly and in good faith; not in duplicity, purposing, like his father, or Charles I, four centuries

afterwards, to evade the fulfilment of his engagements. Hard as he felt these conditions to be, he refused, as we shall presently see, to avail himself of the papal brief, which absolved him from his oath ; and when his father took a sinister course, he sided with Leicester against him. We can imagine no more signal instance of uprightness, than was given by this young prince ; when, after witnessing earl Simon's triumph over his father, and his invasion of the independence of the crown, he actually concurred with the earl in many of his subsequent proceedings, and for the sake of truth and justice, supported the rebellious lord, even against his own parent.

The prince having yielded, and the Poitevins having been sent out of the country, the earl Warrene, the only nobleman of any weight who adhered to the king, gave in his submission also, and so the contest, for the time, was ended.

“The Provisions of Oxford,” Sir Francis Palgrave observes, “virtually deprived the king of the royal authority. He still, indeed, retained the crown, and all public enactments ran in his name ; but all the powers of government were vested in the barons. These Provisions confirmed *Magna Charta* ; regulated the free seisin of property ; forbade the marriage of wards with aliens, and the wasteful grants of lands to foreigners ; and required that all offices of state, and the charge of the castles, should be given to *Englishmen only*.”

And forthwith warrants were issued, ordering the constables of the castles of Dover, Northampton, Nottingham, Corfe, Scarborough, Hereford, Exeter, Sarum, Hadleigh, Winchester, Porchester, Bridge-

north, Oxford, Sherburne, Bamborough, Newcastle, Rochester, Gloucester, Honiton, Devizes, and the Tower of London, to deliver them up to the new commandants therein named. The names of some of the former constables, "Ebulo de Geneur, Walter Bruges, Imbert Pugeis, Robert de Paytenin, Elias de Rabaine, Nicholas de Mel, Thomas le Don, Henry de Peneling, Jacob le Savage, Nicholas de Molis, William de Trubieville," &c., shew sufficiently that the royal castles had not been in the hands of "Englishmen."

Hugh Bigod was appointed grand justiciary—an office apparently resembling that of our present lord chancellor, in being set over the whole administration of the laws. The triumphant and dominant barons now separated, having effected, for a time at least, a revolution.

We hear nothing of the expedition into Wales, which had been the pretext for this gathering of armed forces at Oxford. Probably, earl Simon, who kept up a communication with the Welsh prince, was able to assure the twenty-four barons, that as long as he had the direction of affairs, there would be no Welsh invasion.

The barons re-assembled in October, in London, where they "sat for about a month, meeting every day in consultation, *well armed.*" The support of the city of London had been already secured; a special deputation, consisting of earl Simon, the earl marshal, and others, having met the mayor and aldermen of the city at Guildhall, on the 22nd of July, who then affixed the city seal to the Provisions of Oxford. At the meeting of the barons, in October, Philip Lovel, the king's treasurer, was dismissed, and John de Crachale, archdeacon of Bedford, was

appointed in his room. Lovel died the Christmas following, it was supposed of a broken heart. A great many other persons holding office in the exchequer were also discharged, and their places filled up by the council of the barons. On the 11th of October, "the Provisions of Oxford" were solemnly proclaimed in every county, in Latin, French, and English. One writer considers this the first time that the English language was used in any public document\*.

About Christmas, the barons were considerably disturbed by news of the expected return of earl Richard, the king's brother, who had been elected king of the Romans, and who, having been abroad at the time of the meeting of the parliament at Oxford, had continued absent ever since. He had large landed possessions, and naturally desired to revisit England to look after his affairs. The council of barons feared that he would return with a body of followers—possibly with one or more of the Poi-tevins—and would refuse to adhere to the Provisions of Oxford ; thus becoming the leader of a malcontent or royalist party. They sent, therefore, a deputation to meet the earl at Witsand, in Flanders, and to ask of him a pledge not to interfere in public affairs, and also some information as to the length of his stay. At first the earl peremptorily refused to give any such pledge, or any assurance as to the duration of his visit. The barons, therefore, began to collect a fleet to intercept him at sea, and a body of forces to oppose his landing. The earl then began to hesitate, and the king was induced to write to him on the

\* *The Barons' War*, by W. H. Blaauw: p. 63.

18th of January, 1259, to exhort him to comply with the demands of the barons. Earl Richard accordingly engaged to take the oath which the barons tendered, immediately on his landing. He was then allowed to land at Dover, which he reached at the end of January; but into that castle he was not admitted, although he was accompanied only by his wife, his son, and a retinue of eight knights. The king met him on his landing, and they proceeded at once to Canterbury, where he was entertained by the archbishop; and the following day took an oath in the Chapter-house, in the presence of the barons, "faithfully to join in reforming the kingdom of England, and effectually to aid in expelling all disturbers of the kingdom out of it."

Earl Simon, it was remarked with wonder, had been absent from all these later discussions, having suddenly withdrawn to France. Already had a dissension broken out among the reforming party,—Leicester accusing Gloucester of insincerity, and the latter "retorting with insulting speeches,—the matter nearly terminating in bloodshed." One result of this disagreement was the failure of a treaty with France, which had been brought to the verge of a completion; but which, as the earl of Gloucester alleged, the claims of the countess of Leicester to certain rights in Normandy prevented from being completed.

In July 1259, "Hugh Bigod, the high justiciary, with Roger de Turkelby and Gilbert de Preston, commenced the circuit of England, dispensing justice to all men according to their deserts." In order to prepare the work for them, four knights had been appointed by the Oxford Provisions, to act as inquest-

men or grand jurymen, in each county, to discover and bring before the justiciaries all excesses or trespasses and wrongs done within the realm. This was probably the chief benefit conferred on the community at large by these famous Oxford Provisions.

That there was some backwardness on the part of the barons in giving full effect to the reforms which they had promised to the people, is tolerably clear. “The truth was, that the chiefs were unwilling to divest themselves of the authority which they had usurped. They had distributed among their partisans all the lay offices and ecclesiastical benefices in the gift of the crown ; they received the principal part of the royal revenues ; and shared among themselves the produce of the escheats, wardships, and marriages of the king’s tenants.” But for reforms which limited their own feudal authority, they appeared to feel very little inclination. The Annalist of Burton gives us the following sketch of some circumstances which took place in a “concilium” or parliament held towards the end of the year 1259. At that parliament we are told,—

“The community of the bachelery of England signified to the lord Edward, son of the king, to the earl of Gloucester and others sworn of the council at Oxford, that the lord king had done and fulfilled all and each of the things which the barons had provided and imposed upon him ; but that the barons themselves had done nothing for the benefit of the commonweal, and according to their promise ; but had minded their own interests only.” “Whereupon the lord Edward answered for himself, that he had taken a certain oath at Oxford, which, although he

had taken it against his will, he was disposed fully to keep and observe : " but be it made known to the barons, that unless they fulfilled their aforesaid oath, he would stand by the community even to the death, and would cause the promises they had made to be performed." At length, the *Annualist* adds, " the barons caused the following provisions to be published :" provisions containing a number of securities for the people against petty aggressions ; and which were re-enacted by Henry, in the fifty-second year of his reign, in the well-known " Statute of Marlborough."

At the end of this year 1259, king Henry, at the desire of the council of barons, had gone over to France, to complete the treaty respecting Normandy, which was finally signed on the 15th day of December. He then began his journey homeward ; when he was stopped at Abbeville by a rumour that earl Simon and the other barons were proposing to place the prince on the throne in his room, and that if he landed, he would probably be seized and thrown into prison by the conspirators. " The whole," says Thomas Wykes, the chronicler, " was a falsehood. The king, however, was struck with terror, and delayed his return." His brother, earl Richard, at last allayed his fears. He got the barons together in London, and caused a letter to be written, to which he appended his own signature, and the signature of the prince, and of the chief nobles, assuring the king that he might boldly and undoubtfully return. Whereupon the king embarked, and about the feast of St. George arrived safely in England.

On his arrival, the same attempts were renewed,

to sow discord between the king and the prince. The Annalist of Dunstable tells us, that certain malicious persons, by false reports, created distrust between the father and son ; asserting that Edward and his counsellors were conspiring against the king. They succeeded so far as to keep the two apart for a time ; the king exclaiming, “Let him not approach me, for if I were to see him, I should not be able to help kissing him.” These simple words, added to the prince’s conduct a few years before, on his father’s embarkation at Portsmouth, give us a lively idea of the real affection which always existed between the two. At last, a meeting was brought about at St. Paul’s, where the prince denied every charge brought against him ; offering to submit everything to the judgment of his father and uncle. “Whereupon,” says Matthew of Westminster, “the truth being sifted, and the falsity of the stories proved, the son became reconciled to his father, to the great confusion of his adversaries.”

The truth is, that the most solid refutation of such a calumny is found in the fact, *that the king was not deposed*. The two most powerful men in the kingdom, at that moment, were, earl Simon, on the popular side, and Edward, on the side of the crown. These were great men, great statesmen, and great soldiers ; while Henry had fallen into universal contempt. Had the prince and the earl ever really intended to set aside the king, and to place the former on the throne, such a change would have been effected in a single day. That *it was not done*, is quite sufficient proof, *that it was not intended*.

But a real, open, and avowed difference, was soon to take place between Henry and his son.

The king was always insincere, vacillating, and uncertain ; the prince was upright, straightforward, and the very soul of honor. Edward had seen, at a glance, the real character of the Provisions of Oxford,—he knew that they did, in fact, strip the sovereign of all real power ; and he had sworn to them, as he always declared, “most unwillingly.” But, throughout his life, a pledge given by him was a sacred thing. In one instance only, towards the close of his reign, did he, apparently, desire to cancel an obligation which had been extorted from him. At the present moment, he would not even think of a departure from his engagements. Hence it was almost inevitable that the king and the prince should greatly differ, even to the verge of quarrelling, on the course proper to be taken at this period.

The operation of the Provisions of Oxford must have been the cause of daily-increasing annoyances to king Henry. The council of barons drew, week by week, and month by month, all power and all revenues more and more into their own hands.

Thus, in 1260, says Matthew Paris, “the barons ordered those who farmed the church estates held by Italians, not to hold themselves responsible for their farms to the said Italians, but to account for the rents to the proctors of them the said barons.” It is no wonder, that, after this, we should find the pope quite willing to set aside the Provisions of Oxford, and to excommunicate all who adhered to them. Such a bull of absolution, nullifying and setting aside the Oxford Provisions, Henry obtained from Rome about Easter 1261, and it is evident that he must have applied for it in the previous year.

The poor king, doubtless, was urged on by his

favorites, who had been accustomed for many years past to be gratified by him with perpetual gifts, and who now found him, to their vexation, without power and without money. In February 1261, he entered the council of the barons, and told them, that they had pretended a great desire to benefit him, and the whole community, by enlarging his revenues and discharging his debts; but that he now found by experience, that they had been actuated mainly by a regard to their own selfish ends; and had made him their servant instead of their master. "Therefore," said he, "I desire you not to wonder, if I walk no more by your counsels, but seek a remedy elsewhere for the existing state of affairs."

After this notice, Henry, who doubtless was in expectation of the speedy arrival of the papal bull, began to prepare for the resumption of the royal authority. He took possession, personally, of the Tower of London, and broke open the treasury there, to get access to the money deposited in it. He succeeded, also, in getting the city, for a while, on his side, in so far, that he had possession of the gates, and the barons and their followers were obliged to find themselves quarters without the walls.

The barons sent a deputation to him, which was harshly treated; the king declaring that they had not observed the Provisions, and neither should he; but in future, everybody must shift for himself. At last, when hostilities seemed about to commence, it was suggested and agreed to, that all matters should be submitted to arbitration, but that the arbitration itself should await the return of the prince; for Edward himself, in company with his cousin

Henry, son of the earl of Cornwall, and two of the sons of earl Simon, had left England for a grand tournament proclaimed in France. There the prince carried off the honors of the tourney; but hearing of the alarming state of affairs at home, he quickly left the continent, and returned to England.

And now we immediately discover the difference, in character, between the father and the son. "Edward," says Matthew of Westminster, "after receiving full information concerning the king's vain counsels and counsellors, became enraged against the latter, and withdrew himself from his father's sight, and in all good faith declared his adhesion to the barons, in conformity with his oath."

Now the young prince was devotedly attached to his father, who was by his valor, five years afterwards, replaced on his throne; and he was at all times a thorough royalist. But none of these considerations could overbear in his mind the sense of right,—the fixed determination of his soul to adhere to honor and good faith. He had sworn,—his father had sworn; and there was no valid ground, as yet, for any breach of their engagements.

"Struck with terror, Henry shut himself and his evil advisers up in the Tower, and Edward, remaining outside the gates with the barons, things assumed an alarming aspect."

At last the queen, who it may be feared was the secret favorer of these evil counsellors, interposed, and probably by her influence over her son, an accommodation was effected. The king ventured out, and John Mansel, his favorite, and probably one of his "evil advisers," succeeded in making his escape.

This man, the Wolsey of his day, who is said to have held at one time seven hundred ecclesiastical benefices, and who had entertained four crowned heads at a single banquet, soon afterwards absconded to France, where he died in penury.

But the contest was now only beginning. In May 1261, the king went to his castle at Winchester, and there he kept Whitsuntide ; and calling before him the high justiciary and the chancellor lately made by the council of the barons, he ordered them to give up their seals of office. They replied that they could not do this without the consent of the barons ; whereupon the king grew very warm, and appointed Sir Philip Bassett high justiciary, and Sir Walter Merton chancellor, of his own will and pleasure. "The barons being informed of this, and fearing that the king was about to abandon the Provisions of Oxford, began to draw towards Winchester with armed forces." The king, hearing of their approach, stole out of Winchester, and made the best of his way back to the Tower of London.

The years 1262 and 1263 must have been years of great discomfort to all parties. The king's movements were impeded by the death of the pope, and by the uncertainty which was felt as to what part the new pontiff might take in the controversy. Among the barons dissensions prevailed ; insomuch that earl Simon seems to have absented himself from England during the greater part of these two years. King Henry himself was abroad once or twice, and writes to his brother, from St. Germain's, September 30th, 1262 ; "so depressed and broken down by fever, that he could scarcely get out of his bed ;" he laments that he could not yet pay him the money he

had borrowed of him, but thanks him for his labors and vexations on his account.

In 1263, the Welsh having latterly been again troublesome, prince Edward brought over a number of veteran soldiers, whom he had met with at the tournaments which he had recently attended on the continent; and with these he garrisoned some of the border-castles, and strengthened the force at Windsor.

In April of this year we find mention of a parliament held at Oxford, and attended by earl Simon and the barons, which is said to have been held "*without the privity of the king or his council.*" At this parliament it was enacted, "that all who went against the Provisions of Oxford, should be held to be capital offenders." And immediately after this we hear that the earl of Leicester began to assemble a numerous army, and that people flocked to join him from all quarters.

It seems tolerably clear that the war had, in effect, already commenced; for now earl Simon had quitted the continent, and had taken up his abode in England, with the determination, apparently, of bringing the controversy to a close. One historian of the time, Thomas Wykes, describes him as "moulding the barons with his own deep-cut impressions, especially the younger ones, who were but as wax in his hands." Matthew of Westminster, writing of this period, the summer of 1263, says,— "The barons of England, being bound by an oath to the statutes of Oxford, and being supported by the advice and effectual assistance of the most noble earl of Leicester,—a man most skilful in military affairs,—no longer hesitated to bring to a conclusion a design which they had long entertained." First and principally, they

waged war against *all foreigners*. Peter, bishop of Hereford, a Burgundian by birth, was arrested in his own cathedral, and his treasure and all his farms given up to plunder. The army then proceeded to Gloucester, where Matthew de Besill, a foreigner, was governor. The castle was stormed, and the governor taken prisoner. Next, Worcester was occupied ; and in every place, says the chronicler, “the people miserably oppressed the foreigners with all kinds of depredation and plunder.” Such was one not unnatural result of the manner in which the pope had filled the principal churches with Italians ; while the soreness occasioned by this grievance had been augmented by the royal favor shewed to the Savoyards and Poitevins.

And now, for the first time in this contest, we begin to find prince Edward on his father’s side. How, indeed, could it be otherwise ? So long as the question was one of politics,—so long as it remained a matter to be *discussed*, the prince refused to concur in the king’s uncertain and vacillating course ; and he felt a just repugnance at any underhanded attempt to evade the performance of positive engagements. But if the sword was to be drawn, then he could not forget that Henry was his father, and that the throne itself would, in a few years, be his own ; and that therefore every conceivable motive united to urge him to resist the degradation of the one, or the subversion of the other. An incident, too, which occurred at this moment, probably much aided him in coming to a definite conclusion.

Edward, with military discernment, and with filial affection, had taken means to place the castle of Windsor in a position of safety. He had garri-

soned it with about "one hundred most gallant knights, and a much more numerous body of men-at-arms, fortifying and strengthening the castle in a most admirable manner." And having done this, he invited the queen, his mother, to leave London, where she was cooped up in the Tower, and to take up her abode in the more royal residence of Windsor.

On the 13th of July, queen Eleanor left the Tower, intending to proceed up the Thames to Windsor, according to the proposed arrangements. But when her barge neared London bridge, she found it crowded by a prodigious concourse of people, who uttered the most horrible exclamations, of which cries of "Drown the witch!" were among the mildest; and the acts of this mob were of a piece with their words. All kinds of filth were hurled down upon the barge; and large stones, in such numbers as to endanger its safety. The barge was driven back, and as, in all probability, even a return to the Tower might have been difficult, the mayor of London felt it his duty to offer his protection, and to escort the queen to the house of the bishop of London. This circumstance naturally made a deep impression on the minds of both the queen and her son; and the prince took a heavy vengeance for the outrage, at the battle of Lewes, before so much as one year had elapsed. As for the queen, she, not unnaturally, soon contrived to pay a visit, accompanied by the young princess, to the continent; whence she did not return until the battle of Evesham had restored to the king his rightful place and authority.

All this autumn was passed in repeated but fruitless attempts at accommodation. In August, earl Simon and his party, who had formed a camp at

Isleworth, marched towards Windsor, intending to besiege the castle. Prince Edward, earnestly desiring to restore peace, proposed a conference at Kingston, which was agreed to. But the veteran politician was too crafty for the young prince, who was then only in his twenty-fourth year. The conference passed off amicably enough, and matters seemed likely to be arranged ; but when the prince was about to return home, earl Simon and his friends “ *were too circumspect* to let him get into Windsor again ! ” They “ *detained* him ; ” and by this artful manœuvre, they compelled the prince, in order to regain his own liberty, to surrender Windsor Castle to them. It is no great wonder that this trick, added to the outrage at London bridge a fortnight before, should have tended to rid the prince’s mind of any leaning towards earl Simon or his party.

Still Leicester found difficulties in his way, and as one was removed, another immediately appeared. The archbishop of Canterbury, the uncle of the queen, fulminated, from Boulogne, sentences of excommunication against several of the earl’s adherents, “ for the spoiling and robbing of churches.” And a little later, Henry, the son of the earl of Cornwall and nephew of the king, fell off from the barons’ party ; as did Ralph Bassett, John de Vaux, Roger de Leiburne, Hamo L’Estrange, and John Giffard, all knights of high repute, who united their fortunes with those of the prince. The pope, also, began to take a warm interest in the quarrel, and even threatened to proclaim a new crusade against the rebellious barons, as the enemies of Holy Church. Very naturally, therefore, some of the bishops interposed,

and succeeded in procuring a reference of all matters in dispute to the arbitration of king Louis of France, a prince whose character for religion and virtue has distinguished him in the French annals by the name of "Saint." To this reference, all parties willingly agreed: earl Simon and his son, Hugh le Despencer, Humphrey de Bohun, Nicholas de Segrave, and a host of others, on the side of the barons;—prince Edward, his cousin Henry, the earls of Norfolk, Warrene, and Hereford, with others, on the king's part. King Louis accepted the office, and, at the beginning of January 1264, he held a court at Amiens to hear the parties on both sides.

King Henry, his son, and nephew, attended in person. The earl of Leicester set off for Amiens, but his horse fell with him, broke his leg, and he was confined for some time at Kenilworth. The barons deputed Humphrey de Bohun, the younger, Henry and Peter de Montfort, Thomas Cantilupe, and some others, to represent them at the hearing.

Louis heard the arguments on both sides, during several days; and on the 23rd of January, 1264, he gave his judgment, which is still to be read in the archives of Paris. In that judgment, confirming *Magna Charta*, "he annuls and makes void the Provisions of Oxford, and ordains that the king and his barons, and all others, be entirely discharged and released from the same." He then counsels mutual forgiveness, concession, and good will, to all parties.

The barons received this award with indignation, and "utterly refused to abide by it." And now, for the first time, prince Edward found himself free. The papal bull of 1261 could give no satisfaction to

his mind ; nor reconcile his conscience to a breach of obligations, deliberately, though reluctantly, undertaken. But by this arbitration the position of affairs was wholly changed. Earl Simon and his adherents had themselves submitted the Oxford Provisions, and all other matters in dispute, to the decision of king Louis. They had sworn, that “whatever he should ordain concerning the aforesaid things, should be by them observed with good faith.” And king Louis had ordained, that the Oxford Provisions should be cancelled, and rendered null and void. The inference was inevitable. All who had sworn to abide by his decision, were bound to regard the Oxford Provisions as utterly erased and rescinded. If the barons refused to do so, they, and not the king or the prince, would be morally responsible for the consequences.

Louis had ordained, that the king should be restored to all his rights, and especially to the possession of all his castles. Henry accordingly, on his return home, demanded possession of Dover Castle, but was refused admittance. He then passed on to Canterbury ; and early in March proceeded to Oxford, where he convened a parliament. The barons, however, refused to attend, and established their head-quarters at Northampton, which they held against the king.

Earl Richard, king of the Romans, the king’s brother, had, like his son Henry, gone a certain length with earl Simon ; but he had now, like his son, withdrawn from what was becoming a mere rebellion, and began to shew himself on the king’s part. This defection enraged the Londoners, who, “sallying forth in immense numbers,” proceeded to

Isleworth, where earl Richard had a mansion, which they rifled and burnt to the ground. They then returned to Westminster, where he had another house, which they also levelled with the ground. The lord Walter de Merton, and the lord Philip de Bassett, also had their houses destroyed, and the judges made by the king were seized and thrown into prison.

Through the months of February and March, a sort of desultory warfare was kept up, at Gloucester, Worcester, and on the borders of Wales. At Gloucester, the prince gave another proof of the frankness and intrepidity of his character. He had entered into the castle, and had signified his intention of fighting the forces of the barons, outside, the next day. But seeing among the opposing forces the two sons of earl Simon,—on whom he had himself conferred knighthood only two or three years before, and who had been his brethren in the great tournament of 1261,—he went out to them, unarmed, with his cousin Henry, to treat of the still remaining possibility of peace. He succeeded in making a temporary truce, till he should rejoin his father, and try to bring about a pacification. The old earl, the chronicler adds, was much vexed, remembering his Kingston manœuvre, “that the prince should have been so *foolishly* released.”

On the 3rd of April, 1264, the king raised the royal banner, and marched out of Oxford, with a well-appointed army, led by prince Edward, his uncle the earl of Cornwall, John Baliol, Robert de Bruce, Philip Marmion, Philip Bassett, William de Valence, and others. Their march was directed to Northampton, before which town the royal army

appeared on the 5th. The younger Simon de Montfort and his brother Peter defended the place, but a breach was made, and the castle was successfully stormed. There were taken here, fifteen knights banneret, and above one hundred ordinary knights, "with an infinite number of noble persons" (gentry). Young Simon had been among the first to raise a rebel standard against the king, and being captured, some were for putting him to death; but the prince saved his life; which kindness Simon requited by assassinating Edward's cousin, Henry, a few years after, in a church at Viterbo. Earl Simon was in London when the news of the loss of Northampton reached him, and he would instantly have marched northwards, but danger shewed itself in another quarter. A conspiracy had been detected among the Jews, who, it was said, intended to set fire to the city on Palm Sunday. And at Rochester Castle lay the earl Warrenne, and other leading royalists, who, it was supposed, would, in the confusion, make an attempt to seize upon the city. Leicester, therefore, thought it his first duty to get possession of this stronghold, lying as it did so near to the metropolis; and he immediately besieged it. The king, hearing of its peril, felt the importance of retaining it so strongly, that he quitted Northampton, and in five days, scarcely allowing himself any rest, he reached Rochester. Having placed this fortress in a position of safety, he marched to Tunbridge, where he took the castle of the earl of Gloucester; proceeding onwards to Winchelsea and the Cinque ports. Leicester, having made London secure, now felt it necessary to go in quest of the king. He enlisted about 15,000 of the citizens in his army, and marched towards Lewes, where the

castle of earl Warrenne would, he well knew, form a probable base of operations for the royal army. He reached the village of Fleching, about nine miles north of Lewes, about the 11th of May, 1264. Here the first step taken, was to despatch the bishops of London and Worcester to king Henry, with an offer of peace. The letter, still extant, signed by the earls of Leicester and Gloucester, is vague in its phraseology, and abounds with professions of loyalty; but the verbal offers made by the prelates embraced a payment of 50,000 marks to the king and his brother, for the damage done at Isleworth and elsewhere, provided the Provisions of Oxford were still adhered to.

On the statement of these terms, "a mighty clamour arose,"—the royalists being confident of their strength, and indignant that the now defunct Provisions should again be brought into discussion. The instant reply was penned and sent back, that, "Since it manifestly appears, by the war and general disturbance already raised by you in our kingdom, that you do not observe your allegiance to us, nor have any regard to the security of our person, we value not your faith or love, but defy you, as our enemies." Such was the message carried back to the army of the barons on the evening of the 13th of May. That night was spent by earl Simon in anxious preparations, and by sunrise of the next day his force was in the field.

Most accounts give the superiority in numerical force to the royal army; but, in those days, even more than in our own, mere numbers were of less importance than knightly prowess and skill in the conduct of an army; and we have no reason to

suppose that, at Lewes, among many valiant knights, there were more than two men of pre-eminent military talent. These were, the able and experienced Simon de Montfort, and the young prince Edward, who was but in his twenty-fifth year, and who was now to witness his first great battle.

Henry, taking the command of the centre, and his brother the left wing, it devolved upon the prince to lead the right. Edward thus found himself opposed to the Londoners ; and all the chronicles agree, that he rejoiced at the opportunity to repay them for the insults offered only a few months before to the queen, his mother.

The trumpets sounded, and Edward in a moment was upon the Londoners. Before his charge nothing could stand. His whole life furnishes no instance in which his onset could be resisted. The leaders of the London division of the barons' army,—Hastings and Segrave,—were distinguished men, but their efforts were unavailing. The whole body was driven back, and the front retiring upon the rear, all became confusion ; and as Edward and his knights came thundering after them, Henry de Hastings, Geoffrey de Lucy, and Humphrey de Bohun, the younger, were seen flying for their lives. Numbers were drowned in attempting to cross the river Ouse, and for two or three miles the sword of the pursuers was busy, till a rapid flight at last saved those fugitives who could gain the steeper heights. This division of the barons' army was utterly broken up. The actual loss sustained by it is commonly stated at 3,000 or 4,000 men.

But meanwhile, the other great leader had not been idle. Pleased to see the prince drawn off on

the right, earl Simon and his equally dauntless sons set upon the centre and left wing, and quickly threw them into confusion. Matthew of Westminster says of the royal forces, that “the greater part of them marched forward that day without any order, and with precipitation, and fought unskilfully.” It is perfectly clear, that so soon as prince Edward had gone in pursuit of the Londoners, all the military talent in the field was on the side of earl Simon. Hence, before Edward could return, the main body of the royal army had been defeated, and the earl Warrene, with three or four hundred knights, had in a disgraceful manner fled the field, and escaped to Pevensey; the king had taken refuge in the priory; and his brother, the earl of Cornwall, was a prisoner. The prince, on his return from the chase of the Londoners, was met by these disastrous news: he carried his force round the town, to the priory, where he found his father, and he proposed the next day to renew the fight. But Leicester was always a politic man; he often relied on negotiation; and he had already seen what Edward could achieve in the open field. That evening, he despatched to the priory two or three friars, with offers of a negotiation, and with assurances of his earnest desire of peace and reconciliation. As he was in possession of the field, and as the royal army was sorely diminished and discouraged, it was natural that such offers should be readily received. The earl proposed to release all his prisoners, to set the earl of Cornwall at liberty, to refer all matters in dispute to six distinguished men, as umpires, only providing,—which was the gist of the whole scheme,—that prince Edward and his cousin Henry should give themselves up as

hostages for the fulfilment of whatever the said umpires should enjoin.

Edward was not the man to offer any objection to a plan which proposed to release his father and his uncle by the sacrifice of himself. He willingly assented; the earl's object was accomplished, and the prince was immediately sent to Dover Castle, under the care of Henry de Montfort, his former friend. A political song of that day thus jeers at him:—

“ Be the luef, be the loht\*, Sire Edward,  
Thou shalt ride sporeless o thy lyard,  
All the righte way to Dovere ward.”

Wykes says, that the prince was treated “less honorably than was becoming.” Another writer adds,

“ In prison nere a yere was Edward in a cage.”

But we may reasonably conclude, that the prince, beyond his seclusion, was subjected to no insults; since we find him personally attending the funeral of Henry de Montfort, after the battle of Evesham, as one for whose memory he still felt a regard.

Leicester was now, practically, supreme. The king was in his hands,—a state prisoner, forced to sign whatever mandates were prescribed to him; and the earl made good use of his opportunity. He made Henry send orders to the governors of all his castles, to surrender them at once to earl Simon's captains. He forced him to sign commissions to the sheriffs of the counties, enjoining them to take up arms against all that should oppose the orders of the barons. The prince, meanwhile, was

\* *i.e.* “Be thou willing, or unwilling.”

safely cooped up in Dover Castle, and the queen was in Flanders, where she immediately began to collect a force for her husband's release. A long succession of contrary winds, however, quite frustrated all her purposes.

The rest of the year passed over, in vain attempts on the part of earl Simon to satisfy the king of France and the papal legate, of the fairness of his intentions.

Christmas, 1264, saw the earl in his castle of Kenilworth, where he kept that festival with unusual state. One hundred and sixty knights graced his board, and, apparently, both the king and the prince were ostensibly his guests, but in reality his prisoners. In March a fresh manœuvre was adopted. The prince was brought to a council or parliament at Westminster, professedly to be set at liberty; but, says Rapin, "this concession was clogged with conditions which rendered it of no use; namely, that he should remain with the king his father, and obey him in all things. Clearly, to ordain that Edward should be set at liberty, and yet continue with his father, who was himself a prisoner, was merely to change his prison." "Edward," says Florence of Worcester, "being released from prison, was led about, with the king, by the earl de Montfort, wherever he went." Yet, for this merely delusive concession, the prince was required to pay the enormous price of assigning the whole county of Chester to the ambitious earl. This was done by a formal act, still extant, bearing date, "London, the last day of March, 1265."

The *Chronicle of Mailros* narrates an incident which exhibits, in a very forcible light, the humili-

ating mockery of freedom to which the prince was at this time subjected. "A venerable man, Oliver, abbot of Dryburgh, was sent to Edward from his sister, the queen of Scotland. Simon, hearing of his arrival, conducted him to the prince, who was seated on a raised chair or high seat. The earl proceeded with the abbot up the steps to the prince, and remained there, while, after a friendly salutation, they conversed together. Standing by them, he kept his eyes fixed upon them, so as to guard against any sign or other communication passing between them; and when the abbot rose to depart, earl Simon followed him as he left the prince, interposing between them so as to prevent anything from passing." Such insults as these, obviously, the prince would have borne from no one but the old earl himself; yet, says the Chronicle, "these precautions were moderate, compared with other steps taken by the earl."

But Leicester was now rapidly undermining the foundations of his own power. Two of his chief confederates in the war with the king had been the earl of Derby and the earl of Gloucester. The first of these noblemen he now sued in the king's name, and shut him up in the Tower. Gloucester had some reason to fear that a similar purpose was entertained towards him, and being invited by the younger de Montforts to a tournament, he declined to attend. Rishanger says, that he was disgusted to find that Leicester took to his own use a great part of the revenues of the kingdom, and all the moneys received for the ransom of prisoners, which Gloucester expected would have been divided. Wykes adds, that earl Simon had appropriated to himself

eighteen confiscated baronies; and most of the chroniclers agree, that the pride and arrogance of the younger de Montforts had altogether alienated the earl of Gloucester.

Roger Mortimer, one of the lords marchers, who had been associated with prince Edward in the Welsh wars, had always been a firm royalist. With him, Gloucester now entered into communication, and between them a plan was soon agreed upon for effecting the prince's release.

Earl Simon heard of some hostile proceedings of the lords marchers, and thought it necessary to proceed into the west, to look after these matters. As usual, he carried the king and the prince into the west with him. Lying at Hereford, prince Edward's attendants (or keepers) seem to have been Thomas de Clare, Robert de Ros, and Henry de Montfort. That they were, in fact, charged with his custody, is clear from the circumstances which followed.

Mortimer contrived to have sent to the prince, as a present from some unsuspected party, a remarkably fleet horse. One day, Edward, having this horse kept near, first proposed races with his attendants, and in this manner galloped their horses until they were sufficiently tired. Then, mounting his fresh and fleet courser, he jocosely told them that he had had as much of their company as he wished, and then bade them "Good morning." They followed as they might, but after a while a party, sent by Mortimer, issued from a wood, surrounded the prince, and rode off joyfully with him.

Gloucester and Mortimer soon joined the prince with what force they could make, and earl Warrenne,

William of Valence, and Hugh Bigod, landed nearly about the same time, at Pembroke, with a hundred and twenty knights and cross-bow-men. Giffard soon after came in with a large body of men, and the royal army received hourly reinforcements from many quarters. The cities of Gloucester and Worcester quickly fell into the prince's hands. Earl Simon's force was then at Hereford, and in Glamorganshire. The prince knew Kenilworth to be a stronghold of the De Montfort family; and hearing from a spy that the younger Simon, who had come up from the south, with a considerable body of men, to his father's assistance, and was then at Kenilworth, kept but a careless guard, he left Worcester on a fine summer night, August 1st., and effected a complete surprise of the Kenilworth party. Knowing of no enemy near, and being probably too numerous to be cooped up in the castle, they were preferring the rural pleasures of the villages to the confinement of stone walls, and the royal forces came upon them in the early dawn, while asleep in the town or village near the castle. Some were seen to fly with a single garment; some in their shirts, others, with their clothes under their arms. Young Simon escaped with difficulty, almost naked, by a boat across the lake, and so got into the castle. Among the prisoners were twenty bannerets, including Robert de Vaux, earl of Oxford, William de Monchensy, Richard de Gray, Baldwin Wake, and Hugh Neville. A rich booty was taken, and a large number of valuable horses belonging to the captured knights\*.

But the old earl was not far distant; he had been informed of the prince's march, and knew the impor-

\* *Chronicle of Mailros.*

tance of stopping, if it were possible, his progress. The troops, however, which he had with him were probably not numerous, and the larger portion of them were merely Welsh irregulars; and he greatly desired a junction with his son Simon, and the Kenilworth forces. He manœuvred, therefore, to pass by, if possible, the prince's army, and to march upon Kenilworth, or at least, to establish a communication with his son, wherever he might be. With this view, he reached Kempseye, a palace belonging to the bishop of Worcester, on Sunday or Monday, August 2nd or 3rd., 1265; knowing that the prince's army was near the city of Worcester, but not desiring to come into contact with it until he had effected a junction with his son.

The prince was informed of his movements, and knowing that he would march in an eastward direction, so as to approach Warwickshire, he resolved to move in a parallel line, and thus to fall in with the earl near Evesham. Edward had now passed his youth, and began to exhibit more and more of that prudence and discretion in military tactics which characterized him through life. He had just gained one great advantage by surprising his foes; and he wished, as far as it might be possible with so experienced a warrior as earl Simon, to keep him also in the dark as to his movements. Considering it to be most probable that all his proceedings were watched, and that the earl would receive intelligence of the course he took, he left Worcester by the northern road, as though he intended to march towards Stafford or Shrewsbury. Allowing time for the spies to fly to earl Simon with this news, he then suddenly wheeled to the right, and turned towards Evesham,

where he rightly judged he should find the earl. A second precaution he had learned from a device practised by earl Simon at the battle of Lewes ; where the old earl cunningly displayed his banner at a point of the field where he himself *was not*. Having just captured at Kenilworth the banners of twenty knights of fame, the prince ordered these banners to be vauntingly displayed in the front of his army. The earl saw the devices, and rejoicingly said, “They are our banners,—my son is close at hand.” By this manœuvre the prince was enabled to gain a commanding position on Elyn hill, without any opposition from the earl. But now, Nicholas, the earl’s barber, had gone up into Evesham tower, to view the approaching army, and called out quickly, “It is not your son as you suppose ; but I see the prince’s banner in the van, the earl of Gloucester’s in another part, and Roger Mortimer’s in a third.” The earl went up to view them, and exclaimed, “By the arm of St. James ! they advance most skilfully, but it is from me they learned it.” Soon after, finding his foes manœuvring to surround him, and perceiving their superior force, he exclaimed, “May the Lord have mercy on our souls !—for our bodies are the prince’s !”

His sons would fain have had him escape, while they sustained the prince’s onset ; but such a proposal was naturally scorned by one of the first soldiers in Europe. “Far be it from me,” he exclaimed, “to bring an illustrious career to such a close.” Walter Hemingford says, that he told his sons that it was their pride and presumption that had brought him to this end ; but still, he added, “I trust I die for the cause of God and justice.”

The battle began soon after noon, and lasted until evening. The old earl, in this crisis of his fate, drew round him a body of gallant knights, resolving to meet death with intrepidity. His Welsh auxiliaries, alarmed at the state of affairs, took to flight at an early period of the engagement. Against the solid phalanx which gathered round the old warrior, the prince made his most vehement attack. But Leicester and his followers were not men to fly; and there was nothing for it but to ply the steel and the lance, till nought remained to offer any resistance. Gloucester, meanwhile, had gained the rear, and the remnant of the earl's army was now surrounded on all sides. Most of them died a knightly death. "Their shields were cut to pieces, their coats of mail pierced and torn to shivers, and countless spears and swords were dyed with their blood." There fell, in heaps of dead, the old earl, his son Henry, lord Hugh Despencer, lord Ralph Basset, lord Thomas Hestelet, lord William de Mandeville, lord John Beauchamp, lord Guy de Baliol, lord Roger de Rouce, Peter de Montfort, Walter de Crepinge, William of York, Robert de Tregor, and many other knights, to the number of a hundred and sixty, besides a very large number of young men of quality. The prince had been desirous of taking the earl and his sons prisoners; but it is clear that a spirit of animosity existed among some of the royalist party, which contemned the idea of quarter on either side.

It was this feeling which even proceeded so far as actually to mutilate the dead body of the old warrior, and to send his head to lady Mortimer at Wigmore Castle. Yet some prisoners were taken,—such as Guy de Montfort, Peter de Montfort the

younger, John St. John, Henry de Hastings, Humphrey de Bohun the younger, John de Vesci, and Nicholas de Segrave.

The death of young Henry de Montfort gave the prince great concern. He attended his funeral, and the interment of the remains of the old earl, and of lord Hugh Despencer, in the conventional church at Evesham, as chief mourner. King Henry, who had been carried into the battle by earl Simon, was rescued by his son, and placed in safety. He had been thrown into a position of real peril, being attacked by some of the prince's followers, to whom he was obliged to cry out, "I am Henry of Winchester!"

"The barons' war" was now practically at an end. A parliament was summoned to meet at Winchester, in the month of September, when all the acts of the earl, done under the king's name, were rescinded, and sundry forfeitures were declared of the estates of the rebel barons. It is, however, remarked as well worthy of note, that not one of the party of the earl of Leicester suffered any punishment, excepting the forfeiture of estates: and these forfeitures were commuted, in 1267, by the *Dictum of Kenilworth*, for the payment of fines, varying from one to five years' value. Surely a penalty of five years' rent must be regarded as lenient, in the case of those who had actually fought against their sovereign in the open field. High treason had been their offence, and yet not one of the surviving rebels suffered either death or imprisonment. Even Hume remarks, "The clemency of this victory is remarkable. No blood was shed on the scaffold: no attainders, except of the Montfort family, were carried into execution."

And lord Campbell says, “Prince Edward is celebrated for the merciful disposition he displayed. No blood was shed on the scaffold, and all who submitted were pardoned.”

Kenilworth Castle and the isle of Ely held out for some months against the king ; but in the course of 1266-1267 they were subdued. The Londoners, for their zeal, repeatedly shewn against the king, were sentenced to pay a fine of 20,000 marks. And now queen Eleanor might return home to her palace and her husband. For nearly two years had she lived in exile, during the whole of which time her efforts had been unceasing in her consort’s cause. To her influence with the king of France, the barons attributed the unfavorable sentence of that monarch, by which the Provisions of Oxford were set aside. By her efforts, also, bulls had been procured from the pope, Urban IV., confirming the award of king Louis, abrogating the Provisions of Oxford, and directing ecclesiastical censures on all who should observe those Provisions. But, not content with mere fulminations, “this most gallant woman,” to use Matthew of Westminster’s words, “bravely labored to succour her lord, and Edward his son, with all possible energy and manly courage.” By selling all her jewels, and pledging her credit to the utmost, she managed to draw together at Bruges, and at Damme, such an army and such a fleet as to excite in England the most lively alarms. But a long succession of adverse winds kept them in harbour, until their provisions were exhausted ; and this host dispersed and melted away, leaving English quarrels to be decided by English swords and English men. The king, when peace was restored, was obliged to give to his con-

sort, not only the whole fine of the city of London, but many other ransoms and levies, in order to clear off the debts she had incurred.

Several of the princesses of that day bore the name of Eleanor. With the queen returned also "Eleanor of Castile," the fair and gentle consort of the prince. Unlike her mother-in-law, whose energy, talent, and determination, are celebrated by all the chroniclers, the young Eleanor appears never to have interfered in politics; and instead of becoming, like Eleanor of Provence, "one of the most unpopular of queens," she seems to have acquired and to have deserved, the affectionate esteem of all classes. Her magnificent funeral in 1290,—one of the most striking scenes ever witnessed in England,—proved how entirely she had gained the affections of one of the noblest of men.

But while restored freedom and prosperity awaited these two princesses, the battle of Evesham sounded the knell of many lofty aspirings in the hearts of two other ladies, also bearing the name of Eleanor. Henry's sister, Eleanor, had been wedded seven-and-twenty years before to earl Simon de Montfort, and she had borne him five gallant sons and a young Eleanor. She had faithfully shared the earl's varied fortunes, and was, says the chronicler,

"Gode woman thoru' al."

For nearly two years she had been the wife of the ruler of the land. Queen Eleanor had fled away; the king and his son were in bondage; and earl Simon bore sway in England, keeping Christmas in Kenilworth Castle, with a hundred and sixty knights at his hos-

pitable board. But even when she was absent from her lord, and living in Dover Castle, "a quarter of a tun of Gascon wine, and half a tun of bastard wine," was the daily allowance of her table. When she was at Odiham, just four months before the battle of Evesham, her stable-keepers had to provide for three hundred and thirty-four horses ! At this time her two nephews, prince Edward and his cousin Henry, in charge of Henry de Montfort, were her guests. As April opened, the earl her husband parted from her, and they never met again. In June she heard of the prince's escape, and removed to Dover Castle for safety, her train consisting of eighty-four horses. She passed by Porchester, Bramber, Battle, and Winchelsea, in her way to Dover. At Winchelsea, on Sunday, the 14th of June, she gave a dinner to the burgesses, at which two oxen and thirteen sheep were consumed\*.

On the 15th of August she received the fatal tidings, that her husband and son were slain, and that she was a banished outlaw. Probably the tidings, or rumours of the battle, may have reached her rather earlier ; but we find an entry, on the 15th, of the arrival of a messenger with letters from prince Edward. He had not forgotten that the countess Eleanor was his aunt, and that he had but recently been her guest. What an interesting document would that letter now be, had it been preserved !

After various efforts to excite the king's compassion, she quitted England in October, having previously sent over two of her sons, with a sum of

\* *Manners and Household Expenses.* Roxburgh Club. P. 47.

11,000 marks, the wreck of her fallen fortunes. The nunnery of Montargis, which had been founded by her husband's sister, received her. Laying aside her purple robes, she assumed for the rest of her days the garb of widowhood, wearing nothing but wool nearest her skin. Fasting of the severest kind became habitual to her\*; and no reconciliation with her brother king Henry seems ever to have taken place. There is, however, still extant, a letter from Henry to the king of France, in which, while he dwells on the injuries which he had received from the earl and his family, he promises to agree to anything which the king shall recommend. But there is no record of any concession during the short remainder of that reign. It was reserved for the more generous spirit of Edward to accord to her a full pardon; and to restore to her, so soon as he was seated on the throne, her dower as countess of Pembroke.

The youngest of the four Eleanors was educated at Montargis by her mother, for her intended station as princess of Wales. Earl Simon had always cultivated the friendship and alliance of Llewellyn, from whom he had obtained that body of Welsh troops which deserted him at the battle of Evesham. Leicester had promised the Welsh prince his daughter in marriage, and Llewellyn's heart seems

\* It is probable that, like her brother the king, and her husband the earl, the countess Eleanor was a sincerely religious woman. Her sons were sent for education to bishop Grossetete, "holy bishop Robert." Among her household expenses we find a payment of 10s. for vellum for a pocket breviary; and 14s. for the writer. At the present value of money this would make the whole cost of the breviary about £18.

to have been wholly set upon this union. But, in 1275, when the intended bride was on her way, under the care of her brother Almeric, to become the wife of the prince of Wales, the ship was captured by an English cruiser off Bristol, and the young Eleanor was presented to king Edward. He treated her courteously, and made her reside at Windsor, as companion to the queen; but as Llewellyn was then contumacious, Edward refused to send to him his bride. At last, the Welsh prince submitted, peace was restored, and at Worcester, in 1278, the marriage took place, the king and queen gracing the ceremony with their presence.

## CHAPTER THE FOURTH.

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### THE SUBSIDING OF THE WATERS.

A.D. 1268—1272.

WITH earl Simon's death the rebellion ended; and nothing remained for the prince to do, but to break up some insurgent bands which still held the isle of Ely and Kenilworth Castle; and then, at a parliament held at Marlborough in 1269, to procure the enactment, as a permanent law, of the beneficial regulations which, as we have seen, his own firmness had extorted from the council of barons just ten years before. We notice, too, on this occasion, the bent of the prince's mind, in the form and style observed in this parliament. It was now, for the first time, that *the concurrence of the people* was distinctly recognised as essential to the enactment of a new law. It is stated, that "the more discreet men of the realm being called together," the following "statute" was agreed upon. Only five other documents regarded as laws emanated from Henry during his long reign\*; and all of these, previous to the Statute of Marlborough, bear the character of *edicts* or *decrees*, issued by the king and his council. But the prince had latterly acquired a natural and paramount influence in all affairs of state; and throughout his whole life we shall find the constant recognition of

\* See *Statutes of the Realm*, vol. i.

the principle distinctly asserted by him in 1297, that “what concerns all, should be by all approved.”

It would be tedious to go through the details of the suppression of the remains of the insurrection at Kenilworth and in the isle of Ely, or to describe the troubles excited, for a while, by the earl of Gloucester. The great men who had joined the prince, and who had aided him in re-establishing the monarchy, now expected and demanded large rewards ; while, on the other hand, “the disinherited,” —those who had taken arms with earl Simon and the barons,—shewed a natural dislike to the punishments, in the shape of pecuniary fines, which were justly inflicted on them. But the prince’s judgment and discretion, after a while, overcame all these difficulties ; and, as we have already seen, even unfriendly historians have been compelled to admit, that “the clemency which followed the victory of Evesham is remarkable.”

The circumstances of the times gave full scope to the soldierly and princely qualities of Edward. A strong right arm was often absolutely needed. If the king’s enemies required to be kept in check, the king’s friends were often almost equally troublesome. We have alluded to the fractiousness of the earl of Gloucester, who, at one time, held London itself against the king. Another great earl, Warrenne, was always faithful to the crown ; but he could not bring his passions into subjection to the laws. It was in 1269, Matthew Paris tells us, that “in consequence of some hasty words which passed between them, John de Warrenne, earl of Surry, slew with his own hand, in Westminster Hall, Alan de la Zouch, the king’s justiciary.” This was clearly no ordinary

offence, and the earl, in just alarm, fled to his castle at Reigate. The prince immediately took the matter in hand, gathered a sufficient force, and invested the castle. The earl saw that there was but one course left for him : he issued forth, unarmed, and threw himself on the prince's mercy. He was carried to London, where, after some consideration, a fine of 10,000 marks,—a very large sum,—was imposed upon him, and after some imprisonment, his pardon was granted.

Much about the same time, an incident occurred, in the course of Edward's labors for the pacification of the country, which can hardly be passed over. In the forest near Alton in Hampshire, there dwelt a noted leader of free lances, named Adam Gordon, or Gourdon, whose exploits made him the terror of the neighbourhood. The prince, hearing of his fame, sought him out, and at last caught sight of him, one evening, just as he and his followers were retiring into their fastnesses. Desiring his attendants not to interfere, Edward leaped the ditch, and at once engaged Gordon in single combat. Both being valorous knights and skilled in arms, the issue was long in doubt. At last, says Matthew of Westminster, Gordon was wounded, and yielded himself. Edward, always delighted to meet "a foeman worthy of his steel," instantly received his submission, ordered his servants to bind up his wounds, took him into his favor, and presented him, that night, to the queen his mother, at her castle at Guildford. He became from that time attached to Edward's service, and proved himself a faithful follower and friend\*.

\* See Appendix B.

The old chroniclers give us another anecdote of a similar kind. Edward was amusing himself, on one occasion, with his hawks, and one of the lords in attendance overlooked a falcon who had made a stoop on a duck among the willows. The prince rebuked him rather sharply; and the other answered, with some pertness, that “he was glad the river was between them!” Instantly Edward had plunged into the stream, careless of its depth, and having with some difficulty urged his horse up the opposite bank, he pursued the offender, sword in hand. The other, knowing the prince, immediately flung off his cap, bared his neck, and approaching with signs of submission, threw himself on the prince’s mercy. Edward’s wrath sank as quickly as it had risen; he sheathed his weapon, gave instant forgiveness, and the two rode home in amity together.

In these incidents we see Edward’s real character. Irascible and impetuous, whoever dared his anger soon found that he had roused a lion. But no one ever had a more noble or a more susceptible heart; and to crave his mercy, unless justice forbade, was to have it. In the course of a reign of five-and-thirty years, a few—a very few—cases occurred, in which forgiveness would have involved a moral wrong: but the general habit of his mind was vividly expressed, when, towards the end of his reign, his judges suggested, in a special case, that he *might* shew mercy, if he chose to do so. “*May* shew mercy!” was Edward’s indignant reply, “why, I will do that for a dog, if he seeks my grace!”

It was in the year already denoted, 1269, that all enemies having been subdued, the prince began to call to mind a vow which he had made in his time

of trouble, that he would pay, according to the custom of the times, a religious visit to the Holy Land. In this purpose, too, he was furthered and encouraged by Louis,—Saint Louis,—the eminently religious king of France. Bent upon a similar design, Louis “sent special messengers to Edward, entreating an interview.” The prince soon crossed the channel, and the French king, “after closely embracing him,” explained, that he purposed immediately to revisit the Holy Land, and that he greatly desired to have his company in that enterprise. “In fact,” says Matthew Paris, “Edward was a man of such courage, daring, and puissance\*,” that the king “desired above all other things to have such a companion.”

But to visit Palestine as a princely crusader, at the head of a suitable array, was a different thing from visiting it as a pilgrim-knight, kneeling at the holy places in fulfilment of a vow. “My lord,” said Edward, “you know that the substance of England has been wasted in the late civil war, and my means are not sufficient to carry out such an undertaking with such a personage as yourself.” The king instantly answered, “I will gladly lend you 30,000 marks,—or, in fact, I will give you that sum, if you will only comply with my wishes.” So urged, the prince consented; returning home, however, though he was now in his thirtieth year, “to obtain permission of the king his father, which was given, though not without tears.”

We see a proof of the entire pacification of England in this purpose of the prince, and in his

\* “Mighty in arms.”—Matthew of Westminster.

father's consent, given without any difficulty. In truth, there was now no longer "any adversary, or evil occurrent." The only one of the great barons whose uncertain temper might have caused some disquiet,—the earl of Gloucester,—was induced to accompany the prince; and in the spring of 1270, we find Edward and his beloved consort, Eleanor, embarking at Portsmouth for Bourdeaux, whence the English division of the crusading army was to sail for Syria. The princess resolved to brave the perils of the East, despite all the remonstrances of her female friends. She had to bid farewell, also, to her two young sons, whom she never saw again. They both died of some infantile disorder before she returned to England.

The king of France, whose whole soul was engaged in an enterprise which he regarded as one eminently religious, moved with an army of 60,000 men, on this, *the last great crusade*. Prince Edward carried with him his brother Edmund, his cousin Henry, four earls, four barons, and about a thousand men. But this small force had a great captain at its head; while the French army, wanting such a leader, lost its way, never arrived on the scene of action, suffered dreadfully from sickness, and at last left Edward, with his inconsiderable force, to do all that might be done.

When he reached Sicily, Edward heard that Acre was besieged by the Turks, and was in great peril. He sent the garrison a promise of relief. But day after day passed over, and no tidings were heard of the French army. It was at Tunis, suffering from disease. Discouragement at these delays began to spread, and many found excuses for returning

home. One of these was Henry, the son of the earl of Cornwall, and cousin of the prince. He quitted the expedition, and set out on his return; but fell into a greater danger than those which he had left behind him. At Viterbo, in Italy, he was met by Simon and Guy de Montfort, who watched him while entering a church, and followed and slew him on the very steps of the altar. This was their revenge for their father's death at Evesham. That death had been in a great measure caused by their own pride and arrogance, which had raised up many foes. And now, as wretched outlaws, they showed themselves as unable to bear adversity with fortitude, as they had been to use prosperity with discretion.

All hope of the arrival of the French forces began to vanish, and Acre was in imminent danger. Many of Edward's followers proposed an abandonment of the expedition, and several actually took their departure. But Edward had promised the Acre garrison that they should have relief; and to "keep his word" was at all times a first principle of action with him. He struck his breast, when others exhorted him to retreat, and declared that were he left with no other follower than his groom, to Acre he would go. Those who remained, animated by his example, pledged themselves to be true to him; and without any further delay, they departed for Syria. Entering Acre, the prince found, that but for the aid he had brought, the place would have been surrendered on the fourth day following.

"All the Latins in Palestine now crowded round the banner of the English prince, and he soon took the field at the head of 7,000 men." He stormed and took Nazareth, defeating a Saracen force which

came to its relief. A few days after, he met them again at a place called by Hemingford, "Kakehowe," and again defeated them, inflicting on them the loss of 1,000 men.

But the Saracens began now to dread the arm of this second Cœur de Lion; and in despair of coping with him in fair and equal warfare, they sent to him, with some pretended message, an "assassin." This messenger, obtaining a private interview, contrived to divert the prince's attention another way, and in an instant had inflicted three wounds with a poignard. But he had not reached a vital part, and he was in the hands of a man of valour and decision. In an instant he was hurled to the ground, and despatched, either with his own dagger, or with a stool suddenly snatched up. The prince's attendants rushed in on hearing the scuffle, and fell upon the prostrate wretch, till the prince asked them, what was the use of striking a man who was dead\*?

The wounds given by the assassins were generally considered to be poisoned; and it is certain that in Edward's case, although the hurts were not in themselves mortal, the surgeons found that the wounds refused to heal. Much anxiety was felt, and Edward perceived from the looks of his attendants, that they entertained fears. He asked them, without hesitation, "What is it that you are whispering about? Cannot I be cured? Tell me, and do not be afraid." The English surgeon replied at once, "You may be

\* The prince's minstrel is mentioned as forward in this attack on the slain assassin; by which we learn, that the prince, besides the attendance of Beck and Burnel, two churchmen of distinguished talent, and of one or two able physicians, had also a musician of his own among his suite.

cured, but it can only be effected by an operation of a painful kind." The prince answered, "Do you promise me a cure if I submit to it?" The surgeon answered, "I will answer for your cure." To which Edward replied, "Then I put myself wholly into your hands; do with me what you will." The surgeon said, "Are there any of your friends here in whom you can entirely trust?" The prince named several, especially his brother Edmund, and the lord de Vesci. The surgeon then said to these two, "Do you love your lord?" They said, "Yes." "Then," said he, "carry this lady away, and let not her lord see her again until I tell you." So the princess was carried out, weeping and crying aloud. But they said to her, "Permit us, lady,—for it is better that you should weep, than that all England should have to make lamentation\*."

This attempt at assassination having failed, the soldan, professing ignorance of the crime, proposed a treaty of peace. Edward, disappointed of the expected support of France, and feeling the insufficiency of his own resources, willingly accepted the proposal, and agreed to bring his short but brilliant enterprise to a conclusion. In July 1272, the English quitted Palestine, proceeding first to Sicily, and thence to Naples, and to Civita Vecchia, where the papal court was then residing. Here the prince asked and obtained from the pope an official condemnation of Simon and Guy de Montfort, and

\* A Spanish writer, relating this story two centuries after, adds a romantic incident which has found its way into most of our histories. But it is read in no contemporary writer; and therefore can deserve no place in authentic history. See Appendix C.

of all other persons concerned in his cousin's assassination.

It was in Sicily that the tidings reached Edward, first, of the death of his eldest son, and, soon after, of his father's decease, which called him to the throne of England. His host, the Sicilian king, was surprised to observe the deeper grief with which the latter news was received ; and expressed some astonishment, that the loss of an aged parent should seem to affect Edward more than that of his eldest child. The prince made the natural and simple remark, that other children might replace that which he had lost ; but that he could never have another father.

Various incidents of this kind, at different periods of his life, leave no room to doubt that Edward was distinguished by the warmth of his natural affections. He could not be blind to the failings of his parents ; yet was his attachment to both of them most unquestionable and most sincere. As we proceed with our story, we shall observe the same warmth of feeling towards his mother, his wife, and his children. And it is the more needful to remark these things, inasmuch as the union of so high an intellect and so resolute a will, with affections so warm and so pure, is not of common occurrence ; and the chief injustice which has been done to Edward in modern times, has consisted in denying to him all the softer and gentler emotions of the heart. A greater wrong has scarcely ever been perpetrated to the memory of a departed hero. "Edward," says old John Foxe, "had always been a loving child to his father,—whom he had delivered out of prison and captivity,—and Almighty God, for his piety shewn to his

father, rewarded him with great success, felicity, and long reign."

He was, also, through life, a man of sincerely religious feelings. The period, indeed, in which he lived, was one of the thickest gloom,—not even a Wicklif or a Huss, those forerunners of the reformation, having yet appeared. Hence the faith of a Bernard, an Anselm, or a Grossetete, was the best and highest which any man in Edward's position could be expected to possess. But some such faith as this seems to shine out at various periods of his eventful career. For his deliverance from the usurpation of earl Simon, a vow was offered, and his pilgrimage to the Holy Land was the fulfilment of that vow. At several other periods, similar vows seem to have been made. One of these is particularly noted by some of the chroniclers of his day. He was engaged, on a particular occasion, in a game of chess with a friend, when some sudden call summoned him from the table. He had scarcely quitted his seat, when a ponderous stone fell upon the very spot where he had been sitting,—a stone whose weight would have crushed him, had he remained there. Immediately a pilgrimage to a celebrated shrine expressed his thankfulness. "In this preservation," says old Foxe, "I see the hand and mighty providence of the living God; but in Edward I note a fault or error worthy of reprobation, in that he, after receiving such a lively benefit at the hand of the living God, gave thanks, not only to God, but also to a rotten block."

"If there be a willing mind," says St. Paul, "it is accepted *according to that a man hath*, and not according to that he hath not." (2 Cor. viii. 12.)

We have already remarked, that the period in which Edward lived, was that of the thickest gloom of mediæval darkness. Yet even in this midnight of the christian church, a few lights were distinguishable. Scarcely in the whole range of ecclesiastical history do we meet with a brighter example than that left, in Edward's day, by Grossetete, "holy bishop Robert," of Lincoln : whom Foxe designates "this godly and learned bishop,"—"this reverend and godly bishop." Yet Grossetete, we cannot doubt, offered up the mass, and in all probability prayed for the dead. Huss and Jerome died as martyrs ; yet they had scarcely cast off any of those superstitions which, to us, form the external deformities of Popery. Luther himself, a century after Wicklif had preached and written, remained a devoted Papist long after he had become an earnest Christian : and, in like manner, we must regard Edward, not with reference to absolute truth, but to that measure of truth which had been made known to him ; trusting, that if, in the highest kind of knowledge, only a single talent had been bestowed upon him, still in the use of that one talent, he shewed so honest and hearty a sedulity, as might gain, at last, the approving award,—"Thou hast been faithful over a few things ; enter thou into the joy of thy Lord."

## CHAPTER THE FIFTH.

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### THE FIRST ENGLISH KING.

#### I. CORONATION—PARLIAMENT—FIRST SEVEN YEARS.

A.D. 1272—1278.

KING HENRY THE THIRD died at Westminster on the 16th of November, 1272, and was buried on the 20th, in front of the great altar, in that noble church, upon the re-edification of which he had lavished so much treasure which he could but poorly spare. On the same day, before the tomb had been closed, the great men of the realm, the earl Warrene, the earl of Gloucester, and all the chief of the clergy and laity then present, went forward to the high altar, and swore fealty to the absent prince,—now king of England. Three guardians, or regents, immediately entered upon the government in the king's absence:—namely, Edmund, son of the late earl of Cornwall, brother to Henry III.; Walter, archbishop of York; and Gilbert, earl of Gloucester. So entire was the loyalty and submission of all classes to the new king, that the affairs of the realm were carried on without difficulty during an absence of nearly two years; and the king shewed, by the deliberateness of his approach, his entire reliance on the attachment of the people to his person.

He appears to have been in Sicily or Italy when the tidings of his father's death reached him. Before

his visit to the pope at Civita Vecchia had terminated, he was known throughout Italy to be king of England; and as he proceeded through Tuscany and northern Italy, “the people of all the cities came forth to meet him, with processions and trumpets, and with loud acclamations of “Long live king Edward!” While passing through that country, he received an invitation or challenge to a grand tournament, which was about to be given by the count of Chalons, a nobleman of some fame, and a knight of great strength and stature. A hint was given to Edward by the pope, that some mischief was intended, and that, as a king, he was under no obligation to accept such a challenge; but Edward would not stoop to avail himself of such a privilege; fear being a sentiment to him quite unknown. Meanwhile, many of the English nobility and gentry had gone to meet him, so that he rode into Chalons at the head of 1,000 men. But the count had assembled more than twice that number; and it was soon seen that a determination had been taken to humble the English. Hemingford says, that “the Burgundians, in their confident boastings, had been bargaining over their wine-cups, for some days before, for the horses and armour of the English, already, in imagination, discomfited.”

The tournament opened, and the count, as champion of Burgundy, naturally encountered the English king. But his strength and skill failed to give him any triumph over Edward. Probably his lance shivered in the encounter; for we find that, at last, throwing away his weapons, he had recourse to mere bodily strength and weight. Grasping Edward round the neck, he strove to pull him from his horse. But to dismount the king of England was a feat which no

one had ever yet accomplished. Edward gave his horse the spur,—the noble steed sprang forward, and the ponderous Burgundian was dragged from his saddle and thrown upon the ground. The king, enraged at this barbarous kind of warfare, chastised the count while on the ground with the staff of his lance, and refused to accept his sword,—obliging him to give it up to a mere man-at-arms,—a sore disgrace for a knight and a noble. But now defeat had spread exasperation among the count's party. Many were killed on both sides, and the tournament became “a little battle.” When the Burgundians were chased off the field, the townspeople wounded many of the English; until Edward was obliged at last to threaten that he would burn the town. The English knights, at last, at their leisure withdrew, having carried off all the honors of the combat.

Edward next visited the king of France, and did homage for all the territories which he held of him as superior lord. He then passed northward to Gascony, where he found it needful to take measures against a troublesome noble, named Gaston de Bierne. He also had affairs to arrange with the countess of Limousin, and the countess of Flanders, which detained him some time longer. At last, in July 1274, he began his journey homewards, and on the 2nd of August, he landed at Dover. The two great earls, Warrenne and Gloucester, were the first to greet his arrival; and he became, in turn, the guest of each, at their castles of Reigate and Tunbridge. A week given to each of these noblemen, filled up the time between the king's arrival and his coronation.

On the 19th of August, 1274, this ceremony took

place. Edward, now king, and beyond all doubt the most popular king that England had known since the days of Alfred, was crowned at Westminster, with his beloved Eleanor, by Robert Kilwardby, archbishop of Canterbury. There were present, besides all the great men of the realm, Edward's two brothers by marriage, —Alexander, king of Scotland, and John, duke of Bretagne, with their consorts, the sisters of the king. On the following day king Alexander of Scotland paid his accustomed homage.

The feast was one of royal magnificence. The orders given are still extant; and they include 380 head of cattle; 430 sheep; 450 pigs; 18 wild boars; 278 fitches of bacon, and nearly 20,000 capons or fowls. Provision was made for a fortnight's festivity; for the king's hospitality was so extensive, that although many new buildings had been erected, it was impossible to find room for all the guests, except by a feast continued during many days. The citizens of London warmly participated in the public rejoicing; —their streets being hung with tapestry; the conduits flowing with wine; and the wealthier men scattering handfuls of silver out of their windows to the people. The great nobles had devised a still more costly kind of liberality. The chroniclers tell us, that "when the king was seated on his throne, king Alexander of Scotland came to do him worship, and with him an hundred knights, mounted and accoutered: and when they had lighted off their horses, they let the horses go whither they would, and they that could catch them had them to their own behoof. And after these came sir Edmund, the king's brother; and with him the earl of Gloucester; and after them came the earl of Pembroke and the earl Warrenne; and each of these

led an hundred knights, who also, when they had alighted, let their horses go, and they that could take them, had them to their liking."

Such was Edward's welcome to his throne ; and never did prince more entirely deserve, or more heartily return, the love of his people, than he who was now opening, amidst all this rejoicing, "his active and splendid reign."

But now, the feast being ended, and the sound of the trumpets having ceased, let us begin the real business of the new reign. The subject needs a careful consideration, for we know of no portion of history, the facts of which are ascertainable and within reach, which has been so grossly distorted and misrepresented, as that of the first twenty years of this king's reign.

One of the most able of all our modern historians\* commences his narrative, after an opening paragraph, in the following terms :—

"Laying aside his disputes with his neighbours as a French prince, his active and splendid reign may be considered as an attempt to subject the whole island of Great Britain to his sway."

Another justly, esteemed writer† tells us, that :

"The reign of Edward was that of a prince whose sedate judgment and active talents advanced the civilization and power of his country. It may be considered under four heads :—his incorporation of Wales ; his wars in Scotland ; his foreign transactions ; and his internal regulations."

Hume, Henry, Hallam, and most other modern

\* Sir J. Mackintosh.

† Mr. Sharon Turner.

writers, take the same course ; fixing their eyes chiefly on the invasion of Scotland, and the contest with the two earls ; and forgetting that Edward had reigned for nearly a quarter of a century before either of these occurrences took place. They thus, with one consent, persist in taking a *telescopic* view of this reign ; placing a glass to their eyes which brings distant objects near, but which throws quite out of view those which are close at hand. But, like all other departures from truth, this course is essentially unjust. It is as if an historian should commence his narrative of the reign of George III. with a sketch of the French revolution ; or open a biography of the duke of Wellington with an account of his opposition to the Reform Bill.

The simplest way of rectifying all these untrue representations, is, by a plain and accurate statement of the facts, in their own order. It is only necessary to narrate the several events, just as they really occurred ; and all these fictions at once vanish away. But as “annals,” properly so called, or records of events recounted *year by year*, might be too formal to retain any interest, we will group the events of five or six years in each chapter, and in this manner we shall soon accomplish a survey of the first twenty years.

Edward's arrival in England, then, and his coronation, took place in the autumn of 1274. Immediately after this, he would naturally find a great variety of questions waiting for his decision ; questions concerning the various establishments of the crown, its castles, palaces, forests, the royal household, and the royal revenues ; all of which were now, for the first time for at least a century, to be put into

a state of order and efficiency. The regulation of all these affairs would necessarily occupy the remaining weeks of the year, and we can feel no surprise that the meeting of Edward's first parliament did not take place until February 1275. In this year the actual business of the reign commenced. And in what manner does it commence? Surely it is strange, that no historian should have pointed out, with any sort of emphasis or particularity, this great epoch,—the real daybreak of the English constitution.

Most writers have been led astray by the mere phrase “Parliament,” and have indulged in researches and disquisitions on the early history of those assemblies. Much discussion has taken place on the question, whether Simon de Montfort, or Edward, ought to have had the credit of first adding the borough representatives to the English parliament\*. But such questions are comparatively insignificant and immaterial. “Councils,” though not until Edward's time called “Parliaments,” had existed in former reigns; but they were merely called to deliberate on granting the king “an aid.” Never, until the very end of Henry III'd's reign, when the prince's influence began to be felt, was any parliament asked to assist in making any laws. In like manner, parliaments existed in France under the most despotic of the Bourbons, and under more recent despotisms still, without implying the existence of *liberty*; for these parliaments were not, properly speaking, LEGISLATURES. It is the peculiar glory of Edward's reign, that he first, and perhaps alone, among all the sovereigns of the mediæval time, had

\* See Appendix D.

the wisdom to conceive, and the noble courage to carry into execution, a plan by which the people should take part in their own government, and *should assist in making the laws under which they were to live*. From the first moment of his assuming any influence or power, the two ideas, of a system of Laws, and of a Legislature in which the people should participate, seem to have been always present in his mind. These principles were again and again enunciated, and always with increased breadth and fulness, during his whole life,—advancing years having no effect in chilling or contracting that noble heart. During his reign of five-and-thirty years, we shall find the popular branch of the legislature continually growing and increasing under the king's fostering care ; the first idea appearing in the preamble to the Statute of Marlborough, in his father's reign ; and the latest parliament of his own, which met in 1307, containing representatives from no fewer than a hundred and sixty-five of the cities and boroughs of England.

John Locke, when describing, four centuries after, the nature and characteristics of a free state, said :— “The freedom of men under government is, to have a standing rule to live by, common to every one of that society, and made by the legislative power erected in it.” Hence, he argues, “absolute monarchy is inconsistent with civil society, and so can be no ‘form of civil government’ at all.” For the very object, he urges, “of civil society, is, *to authorize a legislature to make laws for us*, as the public good shall require.” In a state of nature, he adds, “there wants an established, settled, known law ; received and allowed by common consent to be the standard

of right and wrong ; and the common measure to decide all controversies between them." And it is, he reminds us, from a sense of the want of this, that men give up the freedom of a state of nature, and join together in civil society. Now, under the Norman kings, absolute monarchy, checked only by the power of the great barons, had been the system of government in England. The only abatement or modification known, was that vouchsafed in certain charters, which were in most cases merely local, and which the king usually assumed to exist only during his pleasure. Magna Charta was the first great blow struck at the fortress of despotism ; but Magna Charta, while it was, indeed, a great and noble statute, said nothing about either laws or legislatures for future times. It is noticed in a public document, as "remarkable, that no article of Magna Charta has reference to the previous existence of any assembly for the purpose of legislation ; or contains any provision for the calling of any such assembly for the future." Soon after this began the transition-period of the weak and incapable Henry. Our present statute book *opens with his reign*. But during those fifty-six years, only six laws or decrees were framed. The first of these is styled "the Provisions of Merton," and it recites, that "it was provided at the court of our lord the king, held at Merton." Next comes "the Statute of Ireland," which is merely a royal proclamation. *Twenty years pass over*, and then we have "a Provision for Leap-year," which is also a royal proclamation. Next, three years after, "Provisions made by the king and his council." Then, seven years after, "the Dictum of Kenilworth," which is only "an award between

the king and his commons.” But lastly, towards the end of Henry’s reign, and when prince Edward naturally began to take the lead in the king’s council, we find for the first time, a *Statute*,—the first document so called,—in the preamble of which it is recounted, that “the more discreet men of the realm being called together.”

Edward, and John Locke, lived in different ages; but the king, in his day, was as wise and as just as the philosopher in his; and if Edward had no John Locke to guide him, he had one of a very kindred spirit. Old Bracton, one of the earliest and ablest of our English lawyers, had thus written:—“The king ought not to be subject to man, but to God, and *to the law*; for the law maketh the king. Let the king, therefore, render to the law, what the law hath invested in him with regard to others,—dominion and power: for *he is not truly king where will and pleasure rule*, and not the law.” And again, “The king also hath a superior: namely, God; and also the law, by which he was made a king.”

Voluntarily, therefore, and right royally, does Edward stand forth, at once, in the very opening of his reign, as a legislator. Powerful in arms, and strong in the goodwill of his people, it was open to him, in the fullest sense of the word, to choose his own course; and, without hesitation, he takes up, as his first and most urgent duty, the task of providing his people with wholesome laws. But, at the outset, and as a principle inseparably connected, he associates with the work of legislation, the twin-idea of a legislature. No demand is addressed to him; no “pressure from without” is applied. He might, had he chosen to do so, have promulgated, like his father,

“Provisions made in the court of our lord the king.” But he chose the nobler and the wiser course. From the very first, he associated the people with himself in the work of legislation; and accordingly, *now*, for the first time, do these all-important words appear on the statute book of England:—

“These be the Acts of king Edward, made at Westminster, at the first parliament general after his coronation; by his council, and *by the assent of archbishops, bishops, earls, barons, and all the commonalty of the realm, thither summoned.*”

This fact ought not to be overlooked; inasmuch as many of our historians shew a disposition to represent the very existence of the house of Commons as having arisen from the necessities of the crown. But this is one of those fictions with which the history of this reign is so commonly encumbered. It was in the very morning of Edward’s power and popularity, and when his course was entirely in his own choice, that he unhesitatingly enunciated the same principle which in all his after-life he steadily maintained; that “what concerns *all*, should be by all approved; and that common dangers should be met by remedies provided *in common.*” The structure and machinery, indeed, of the house of Commons received enlargements and improvements from time to time; but the principle upon which it rests came forth, complete, from the noble and fearless mind of this great king.

In some way or other, then, “the Commonalty” was summoned even to this, Edward’s first parliament. Possibly, “la Communauté de la Terre” may have meant, the chief tenants of the crown, or the principal citizens of the metropolis, thereto called

or invited. The fact itself, however, is alluded to by more than one of the old chroniclers\*.

So much for the legislature; in principle already perfect, but in form to be largely improved and extended in future years. Now let us look, for a moment, at the legislation. And in what a frank and noble strain opens the great "Statute of Westminster":—

"Because our lord the king hath great desire to redress the state of the realm in such things as require amendment: for the common profit of the holy church and of the realm; and because the state of the holy church hath been evil kept, and the people otherwise entreated than they ought to be; and the peace less kept, and the laws less used, and offenders less punished than they ought to be,—the king hath ordained, by his council, and by the assent of archbishops, bishops, earls, barons, and all the commonalty of the realm, these Acts underwritten, which he intendeth to be necessary and profitable to the whole realm."

But what was the statute itself, which is thus recommended by its framers? Let lord Campbell, the present lord chancellor of England, answer this question. He says,—

"The Statute of Westminster deserves the name of a code, rather than an act of parliament. Its object was, to correct abuses, to supply defects, and to remodel the administration of justice." . . . "It protects the property of the church from violence and spoliation: It provides for the freedom of popular elections: It contains a strong declaration to

\* *Annals of Waverly, etc.*

enforce the enactments of Magna Charta against excessive fines : It enumerates and corrects the great abuses of tenure ; particularly with regard to the marriage of wards : It regulates the levying of tolls : It corrects and restrains the power of the king's escheator, and other officers under the crown : It amends the criminal law : It embraces the subject of procedure, both in civil and criminal matters ; introducing many regulations with a view to render it cheaper, more simple, and more expeditious."

Such, then, was the first great Act of Edward's reign. Even if it had remained *alone*, it would have merited especial praise and honor ; how much more so, when it was merely the first step in a long course of wise and upright legislation ? But, simultaneously with the calling of this memorable parliament at Westminster,—the beginning of English parliamentary legislation,—other important reforms were undertaken and energetically carried on. Edward had seen with an observing eye the disorders and calamities of his father's reign ; and had traced them back to their principal source,—the negligent improvidence which pervaded the management of the royal revenues. At once, therefore, without waiting for the meeting of parliament, he issued a royal commission, to ascertain and report to him, without delay, the royalties and revenues appertaining to the crown ; the state and particulars of the crown lands, with the tenants and the terms of their tenure. Thus, probably before a year had elapsed, Edward was provided with a correct view of the revenues on which he might ordinarily rely ; and so judiciously were these revenues managed, during the whole of his reign, that, while he never applied to parliament for aid,

except on public and special grounds, he was at all times enabled to exert a truly royal munificence ; dispensing liberal rewards to all who served him, and being largely charitable to the poor.

One transaction of national moment had taken place, while Edward was on his journey, which both augmented his popularity, and also helped to increase his revenues. About the time of his departure for the East, a quarrel sprang up between England and Flanders, which, for two or three years, sorely troubled both countries. The countess of Flanders imagined that she had a claim upon king Henry for a yearly pension of five hundred marks ; and finding some difficulty made as to its payment, she took the summary and violent course of confiscating all the property of English merchants which was found in the warehouses of Flanders. In taking this arbitrary step, she evidently calculated on the weakness of the aged king, and on the absence of the prince in the Holy Land. Reprisals naturally followed, and the quarrel soon grew into bitterness and rancour. News of this state of things reached Edward while on his journey home, and, with his usual sagacity and decision, he sent orders immediately to stop the export of wool. This reduced the manufactories of Flanders to a state of paralysis and destitution, and forced the countess to seek for peace. By Edward's appointment, her son met him at Montreuil in July 1274 ; and in a few days a treaty was concluded. In this treaty Edward took care to insist upon a clause, providing full compensation for those English merchants who had suffered the loss of their goods. With this treaty in his hand, Edward landed in August at Dover. The merchants were naturally well pleased with this

instance of the king's attention to their interests ; and they at once proposed, as an acknowledgment, to submit to a duty of half-a-mark on every sack of wool exported, and a mark on every last of leather. These duties were accordingly granted to the king in the parliament of 1275 ; and we here again notice the king's spontaneous assertion of the fundamental principle of a free government. It is broadly stated in the "Grant of the New Customs," that it is "made by the archbishops, bishops, earls, barons, and 'communitates' of the kingdom of England." From the opening of his reign to its close, the king shews a constant readiness to recognize, as an essential part of the commonwealth, "the commonalty of the realm of England."

Another royal commission was also issued about this time, to inquire into the position and general conduct of the sheriffs, bailiffs, and other local officers. One judicious regulation soon grew out of these inquiries ; by which it was provided, that the sheriffs should be chosen exclusively from among those who were possessed of landed property within their respective counties.

The controversy with Wales, and with its prince, Llewellyn, now began to open. It will be necessary to look into it with calmness and an enquiring spirit ; seeing that this is one of the great transactions of Edward's life, concerning which our ancient and our modern historians are completely at variance. Our old chroniclers describe the king as "slow to all manner of strife :"—our moderns represent him as hurried by his active energy and his restless ambition to "undertake the enterprise" of the conquest of Wales. Let us, then, endeavour to trace, step by step,

the progress of the quarrel, and thus we shall arrive at a just conclusion, whether the earlier view, or the later, is the nearest to the truth.

To Edward's coronation, the prince of Wales, as well as the king of Scotland, had been summoned. The Scottish king appeared, took a foremost place in the solemnity, and, the next day, paid the homage which was Edward's due. But Llewellyn was absent. He did not dispute the king's claim,—on that point not a doubt was ever started; but he alleged that there was so much enmity between him and some of the lords marchers, that he could not visit the English metropolis without peril.

Edward shewed no resentment at the prince's absence; on the contrary, to meet the difficulty which he had started, he offered to go to Shrewsbury, and to receive Llewellyn's homage there; but the Welsh prince still raised objections. At this point, had there been any eagerness on Edward's side to provoke a quarrel, he might have sent a peremptory summons; and might, on Llewellyn's continued disobedience, have pronounced him contumacious, and his fief a forfeiture.

But he took no such measures. He reserved the question for the consideration of his parliament; and, at one of the sessions of 1275, it was taken into consideration. It was then resolved, that Llewellyn should be summoned a third time, and that the place named should be Chester, that city being the nearest point to his Snowdon home.

This mild and forbearing course is utterly at variance with the view taken by many historians, who represent Edward as eager for the conquest of Wales. Whenever, in those days, a superior lord

desired to possess himself of the fief held by one of his vassals, the course to be taken was extremely simple, and generally understood. About seventy years before this period, Philip of France resolved to seize upon Normandy. He summoned John, Edward's grandfather, before him, to answer certain charges ; and on John's failure to appear, he passed sentence, adjudging him to forfeit to his superior lord all his seigniories and fiefs in France. From that moment, Normandy was lost to England, and united to France. In the same manner, in 1294, another Philip summoned Edward before him, and on his non-appearance, declared Gascony forfeited, and took possession of that province. Had Edward been possessed with that eager ambition which some writers impute to him, he would never have hesitated to take a similar course ; and, had he taken that course, Wales would have been conquered and annexed in 1276.

But, although we can have no doubt that so sagacious a prince as Edward saw from the beginning, the desirableness, *both for Wales and for England*, of the union of the two countries, still his whole life proves him to have been singularly careful not to violate the rights of others. Of this, his after-history will furnish many instances. He meant, no doubt, from the beginning, to terminate that state of things which had existed for many years past, and which Matthew Paris thus describes :— “The Welsh carried fire and slaughter into the border counties. They gave themselves up to slaughter, incendiaryism, and pillage, till they had reduced the whole border to an uninhabitable desert.” Edward purposed, doubtless, to put an end to all these hor-

rors; but the course he proposed to follow was a legitimate and pacific one. He desired first to obtain Llewellyn's oath of homage and fealty; and then he would have prescribed to him the rule which, as a motto, was afterwards inscribed on his own tomb. *Pactum serva*,—"keep your covenant,"—would have decided the whole question. He was willing to have the Welsh chief for a loyal vassal and pacific neighbour; but this was a position which Llewellyn evidently disliked to take. Yet, to give up his claim to homage, and to leave Llewellyn in the position of an independent sovereign, would be to surrender one of the rights of the English crown; while, to admit his right to perpetuate these border-hostilities, would be to sacrifice the interests of the English people.

Still, always loath even to appear to violate any right possessed by another, Edward sent this third summons to the Welsh prince, calling upon him to appear at Chester in August 1275; and, to obviate his alleged difficulty, the king sent him a safe-conduct for his coming, abiding, and return,—a most unusual condescension, and one which places in a strong light Edward's desire to bring the matter to a peaceful conclusion. The Welsh prince, however, rejected the offer; refusing to quit his home unless he had sent to him, as hostages, the king's son, the chancellor, and the earl of Gloucester,—a demand which one historian justly describes as "insolent." And so ended the negotiations with Wales, for the year 1275.

It was in the month of February in this year, that an event had occurred to which we have already alluded. A British ship, cruising in the channel, happened to fall in with a French vessel, which was

conveying to Llewellyn his expected bride, Eleanor de Montfort, under the care of her brother Almeric. These two young people were brought to England, and presented to the king. As the question between Edward and Llewellyn was still under discussion,—the Welsh prince refusing to pay that homage which was Edward's due,—the king desired his young cousin to be taken to Windsor, and directed that she should remain in the queen's own charge, until the question between him and Llewellyn was decided.

In the month of October of this year, 1275, another parliament was held at Westminster, in which an aid of a fifteenth was granted to the king, to clear off all remaining liabilities arising out of his visit to the Holy Land. Some orders were also made with reference to the Jews; and notice was taken of Llewellyn's continued absence,—he having received a *fourth* summons to appear in this parliament. In the next year, 1276, a council or parliament was held at Westminster, and another at Winchester, to each of which the Welsh prince was duly summoned. He had now been called, in due form, no fewer than *six* times; but to none of these summonses had he paid the least attention. Sentence of contumacy would consequently have been passed, had not the archbishop and some of the bishops prayed for a still further delay, in order that they might try the effect of a pacific mission of their own. Their desire was granted; and they accordingly sent the archdeacon of Canterbury into Wales, to confer with Llewellyn personally, and to bring him, if possible, to adopt a more reasonable course. The archdeacon returned, and made his report to another parliament,

which met on the 13th of October, at Westminster. To that parliament Llewellyn sent letters, demanding to have the lady Eleanor sent to him with all her attendants, and proposing to come to Montgomery or Oswestry to do his homage, provided a safe-conduct were sent to him, guaranteed by the archbishop and the archdeacon, by the bishop of Winchester, and by the earls of Warrene, Gloucester, Lincoln, and Norfolk. He thus implied, evidently, that the king's pledge of safe-conduct was *not sufficient*!

This insolent communication naturally excited an universal feeling of anger. The parliament at once declared Llewellyn contumacious. The sentence was read and passed at a full parliament, on the 12th of November, 1276; and it was also ordered, that the military tenants of the crown should be summoned to attend at Worcester by Midsummer following, or sooner if the king thought fit, to proceed forthwith into Wales.

In the same parliament two statutes, one "Of Coroners," and the other "Of Bigamy," appear to have been passed.

More than two years had now been spent in these repeated attempts to bring the Welsh prince to adopt a rational and pacific course; and any further delay would have savored of irresolution or weakness. Yet the king allowed the archbishop to make one more effort at mediation. He wrote to Llewellyn a persuasive letter; but this attempt had no better result than the preceding one. As the time for action drew near, another parliament was summoned, in which an aid of a twelfth was granted to the king for the expenses of the war. In the spring, the royal forces began to assemble, and Roger Morti-

mer was appointed to their command. The chief men of South Wales speedily sent in their submission ; and were “ received to the king’s grace.” David and Roderick, the brothers of Llewellyn, joined the king, and were honorably received by him. Llewellyn deemed the recesses of Snowdon to be inaccessible ; and hence argued that he could never be overcome. But Edward was, both by natural talents and by experience, becoming a general of the highest order. He had prepared, in the spring, a naval force in the Cinque ports ; which, when the proper season had arrived, sailed round to Anglesea, landed some troops there, and thus reduced the island. Llewellyn now found himself shut in on every side ; and that same distress for provisions which he hoped might scatter the English forces, began to impend over himself.

As the autumn passed over, and the winter began to approach, the courage of the Welsh prince gave way ; and he asked for peace. Had Edward’s views been those which are often attributed to him, he might now have easily and fully accomplished them. He had all England at his back, to furnish him with men and supplies ; while the Welsh prince, cooped up in his barren mountains, must, in a few weeks, have surrendered at discretion ; and thus Wales would have been Edward’s own. But he shewed his moderation and clemency, by granting peace to Llewellyn the moment he asked for it. On the 9th of November a treaty was framed ; and it was ratified the next day by the king himself. In this treaty Llewellyn consented to cede certain “ cantreds ” lying between Chester and Conway ; to pay the king a tribute of 1,000 marks per annum for the island of

Anglesea; to pay £50,000 for the expenses of the war; and to give ten hostages for the fulfilment of these engagements.

These terms were in all respects fair and equitable. Llewellyn, by the established laws of nations, at that time existing, had forfeited his principality. Its forfeiture had been legitimately declared, and the king had shewn that he had the power to carry that sentence into execution. Hence, to restore him to his former seat, upon merely ceding some disputed territory, and engaging to pay the expenses of the war, was liberal treatment. But Edward lost no time in proving that he desired to be more than liberal or just. The very next day, he remitted the fine of £50,000. Soon after, he gave up, also, the stipulated tribute for Anglesea; and restored the hostages. Hume, with his usual injustice towards Edward, suggests that the fine was probably remitted, because “the poverty of the country made it impossible that it should be levied.” But is it not obvious, that a designing and ungenerous conqueror would have been pleased with the opportunity of retaining Llewellyn as his debtor; and would soon have exacted territory in lieu of money, if the latter could not be produced?

It is abundantly clear that Edward’s real purpose was, if possible, to make Llewellyn his loyal vassal and friend. He had, first, exhibited towards him, for more than two years, the greatest patience and forbearance. Then, when it was no longer possible to abstain from acting hostilely, he so manœuvred as to force the Welsh prince to surrender. Having brought him to this point, all afterwards was kindness and generosity. He almost instantly remitted all the burdens laid on Llewellyn by the treaty. He

then invited him to visit him at Westminster, where, accordingly, the Welsh prince spent Christmas. He did not "send him Eleanor de Montfort," as Llewellyn had demanded ; but he prepared a princely wedding, at his own expense, in Worcester Cathedral ; where, the following summer, the Welsh prince received his bride, in the presence of the king and queen, and of many of the nobles of England. But there was a still greater benefit which it was in Edward's power to confer on Llewellyn, and to this he gave his immediate attention.

David, the brother of Llewellyn, had always been at variance with him. On one occasion the two brothers met on the battle-field, and David was taken prisoner. In the late contest he had taken part with the English. A designing and ungenerous conqueror would have required Llewellyn to receive him back, and would have taken advantage of the feud existing between them. But Edward was at all times generous, and he seems to have resolved to win both these chiefs by benefits and favors. He took David with him to England, created him an earl, gave him £1,000 a-year in land, (equal to £15,000 a-year in the present day,) and married him to an earl's daughter. Llewellyn was thus relieved from the rivalry and hostility of his brother ; while upon David himself the most substantial benefits were conferred. Thus, "Edward flattered himself," says Lingard, "that what he had begun by force, he had completed by kindness. To Llewellyn he had behaved rather with the affection of a friend, than the severity of an enemy; and his letters to that prince breathe a spirit of moderation which does honor to his heart. To David he had been a bounteous protector. He had

granted him the honor of knighthood, extensive estates in both countries, and the hand of the daughter of the earl of Derby." Very reasonably, therefore, might the king hope and believe, that he had brought this Welsh quarrel to a peaceful and happy conclusion. The following Christmas saw Llewellyn and his bride spending that festive season with the king and queen, in the royal palace of Westminster.

Before, however, we quit this year, 1278, we must notice a few other circumstances which occurred in the course of it.

Towards the end of the preceding reign, a riot had occurred in the city of Norwich, arising out of a quarrel between the monks and the people of the city. Being the stronger party, the people had sacked the monastery and burnt the cathedral. King Henry was enraged at this outbreak, and laid a heavy fine upon the city, which fine had been employed during several years past in the restoration of these buildings. After a lapse of six or seven years, the new cathedral was now ready for consecration ; and on Advent Sunday the king and queen attended that ceremony, accompanied by many earls and barons, as well as by the bishops of Norwich, London, Hereford, and Waterford.

Returning to the metropolis, we next find the king paying a visit to Glastonbury ; and there can be no doubt that he took the opportunity, at the same time, of visiting his mother, the queen Eleanor of the last reign, who had entered the convent of Ambresbury. The king and queen were present on Easter Sunday at the services in the renowned abbey of Glastonbury ; where they remained several days. So great were the privileges of this place, that even

the king himself was laid under some restraint while abiding in it. His deputy high-marshall was not allowed to exercise his office ; the king's judges were held to have no authority ; and even a man who had incurred the penalties of *laesa majestas* was not allowed to be punished.

The king's chief object, in visiting this venerated place, was to behold the alleged tombs and remains of king Arthur and his queen. On the Wednesday of Easter-week, there was a solemn opening of these tombs ; and remains, said to be those of the renowned British king, were exhibited to Edward and his consort. The king then deposited in the tomb, which was immediately re-closed, a written record of his visit and inspection.

In the summer, going into the west to celebrate the marriage of Llewellyn and Eleanor at Worcester, the king held, at the neighbouring city of Gloucester, a parliament, at which the important "Statutes of Gloucester" were passed. And in their preamble we again notice the recognition of the all-important principle, that the functions of legislation belong to all orders in the state. That preamble runs thus :—

"The king himself, providing for the amendment of his realm, and for a fuller administration of justice, as the good of the kingly office requireth, having called unto him the more discreet persons of his realm, as well of the greater as of the less,—It is established and ordained," &c.

Returning to town, the king directed his attention to two other very important matters. The first concerned the state of the coinage, which had been for some time past exceedingly depreciated. As this

was chiefly attributed to the practice of “clipping,” it was obviously necessary, before issuing any new money, to strike a blow at this nefarious practice ; and the measures adopted by the king were marked with his usual energy. Two classes of men were chiefly implicated,—the Jews, who were everywhere the principal money-lenders, and the goldsmiths, who, by their profession, were largely concerned in the purchase and sale of the precious metals. On one evening, towards the close of this year, all the Jew money-changers were apprehended, and their houses searched. On a second, all the goldsmiths were similarly visited. Tools for money-clipping, and large quantities of clipped coin, were discovered. A special commission was issued for the trial of these cases ; and it is clear that there was no precipitation in the proceedings ; for the sittings, commencing after the Christmas holidays, continued until Lent 1279, and were resumed after Easter. Between two and three hundred were capitally convicted and punished ; most of whom were Jews. So soon as this severe check had been given to this class of offenders, measures were taken for the issue of a new coinage. Exchanges were opened in various places, at which the old coin was taken in at its value, and new money issued. “Edward,” says Rapin, “is supposed to be the first king that perfectly fixed the standard of our coin.”

About this period, too, another important scrutiny was begun, but one which involved difficulties of so peculiar a kind, that even the power and energy of this great king proved insufficient to accomplish his purpose. “During the troubles of the last two reigns,” says Rapin, “divers persons had appropriated

to themselves lands to which they had no just right. To remedy this evil, and to give to every one his own," "it was ordered, that all who were in possession of contested estates, should produce their titles before the judges, in order that their validity might be examined."

The substantial justice of this enquiry could not be questioned ; but to carry such an investigation through the land, would probably have raised a commotion resembling a civil war. One of the greatest lords in the realm, earl Warrene\*, who had fought by the king's side at Lewes, and who had entertained him at Reigate Castle on his landing in 1274, when called upon to produce his title-deeds to the judges, drew an ancient sword, exclaiming, " It was by *this* that my progenitors won these lands ; and it is by *this* that I mean to maintain my right."

The earl was a vehement, impulsive man, as he had shewn by his attack on Alan de la Zouch, in Westminster Hall, in the last reign ; but he was ever a firm friend to the reigning family, and if *he* resented this demand, it could be no matter of doubt that the Bohuns and Bigods would be still more contumacious. Edward has received from all sides the praise of wisdom and sagacity ; and he shewed his possession of these qualities, more than once or twice, by frankly relinquishing rights which it would have been unwise, though not unjust, to press. The

\* The proper style and title of this nobleman was, " John de Warrene, earl of Surry;" and Sir Walter Scott speaks of him as " Surry," just as earl Simon is styled " Leicester." But his common designation in the chronicles of the time, and even in state-papers, is, " earl Warrene," or " earl de Warrene;" and we adopt their practice.

opposition of the earl decided this question : and the scrutiny, however desirable and proper it might have been, was abandoned.

The late visit to king Arthur's tomb had shewn the tendency of the king's thoughts and feelings ; and it can be no matter of surprise that his friends and followers shared in those feelings. Hence we trace without difficulty the origin of a festal celebration, on the part of Roger Mortimer, so long the king's personal friend, and who now, doubtless by Edward's favor, dwelt in the noble castle of Kenilworth. In that most appropriate spot, and honored by the presence of Edward and his queen, Mortimer held a round-table, at which there assembled a hundred knights and their ladies, "all clad in silk." Tournaments in the morning, and round-table festivities for the rest of the day, filled up the time from the 21st to the 30th of September. The giver of the feast was greeted, before its close, by the title of earl of March.

And now the seventh year of Edward's reign drew to a close,—or, reckoning from his coronation, the fifth. And surely he had done much in that short period. He had ended, he hoped, the troubles arising from Wales ; and bound both the Welsh princes to him by the most substantial obligations. He had ascertained and regulated the revenues and expenditure of the crown. He had "fixed the standard" of the nation's money ; and had put a stop to the nefarious practices of those who lived by debasing it. He had given the people the vast advantage of several admirable laws ; but, which was most of all, and above all, he had commenced the reign of law, as distinguished from the dominion of absolute power. Foremost of all the men of his time in true discern-

ment and in honesty and nobleness of purpose, he had frankly stated, more than once or twice, that he regarded it as the first duty of a king to furnish the people with just and equitable laws, and to provide for their proper execution. But never once did he assume, that the making of such laws rested on his sole pleasure ; or that even the king and the nobles of the land, when united, formed a complete legislative assembly. From the very opening of his reign, he enunciated the principle, which to its close he kept invariably in view,—that a proper legislature is one which contains within it, as far as may be practicable, the nation,—the various classes of the people, in all their ranks and gradations. It is for his wisdom in discerning this, and his noble fearlessness in proclaiming it, that Edward deserves the first place among our English kings.

## CHAPTER THE FIFTH.

### II.

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#### THE FIRST ENGLISH KING.

II.—STATUTE OF MORTMAIN—INSURRECTION IN WALES—  
WALES SUBDUED—STATUTES OF WALES.

A.D. 1279—1284.

THE Welsh controversy had thus, apparently, been brought to a close. Llewellyn had been subdued ; had been generously treated ; and could now have no excuse for any further turbulence. David, always quarrelsome and disorderly, had been laid under no ordinary obligations. From a mere mountain-chief, at war with his elder brother, discontented and poor, he had been raised to the position of an opulent English nobleman. That he should forget all these benefits, and indulge his irascible and restless propensities to his own grievous loss and ruin, would seem to be a folly which no one could anticipate. The king's plans for the entire termination of these disputes had been framed with equal wisdom and liberality ; and their failure, through the irreclaimable fractiousness of the Welsh chiefs, was a thing quite beyond any human calculation. Yet there is some reason to believe, that, filled with national pride and vanity, and regarding themselves as the rightful owners of the whole realm of England, all the Welsh chiefs looked forward to a day when the Saxon and Norman intruders should be entirely

expelled or subdued; and the ancient Britons should again bear rule over the land. One circumstance had recently attracted their attention, and raised their hopes. Traditional prophecies had been handed down, that when the English money should become *round*, a Welsh prince should reign in London; and Edward's recent coinage was regarded with interest, as indicating the arrival of the predicted period. Still, for more than four years, there seemed to be entire peace between Wales and England; and the king was enabled to direct his attention to other matters of some moment.

It was in the year 1279, that at a parliament held in Westminster, the king passed the greatly-needed *Statute of Mortmain*. All lawyers concur in assigning a high place to this important measure. We notice it, chiefly, as exhibiting the breadth and sagacity of Edward's character, and the honesty and wisdom of his chief advisers.

Edward himself was one of the most religious kings that ever sat upon the throne of England; and his chief counsellor was Robert Burnel, bishop of Bath and Wells. The king shewed his own sincere piety, throughout his reign, by many special and voluntary acts of worship and religious retirement. Superstition mingled with all the religion of that day, but Edward did not allow this superstition to paralyze his understanding, or to blind his intellect, when acting as a ruler and a framer of laws. He saw, on every side, the enormous increase of the church's wealth; and the apparent probability that it would, ere long, become the owner of most of the land of England. This increase, during his father's prolonged reign, had been prodigious. Visible and

striking facts proclaimed this on every side. London was, at that time, a city of about *one-twentieth* of the size of the present metropolis; yet, in the midst of this insignificant place, compared with the London of modern times, arose a cathedral measuring 690 feet in length, and 534 in its extremest height, or, probably, about *twice* the size of Sir Christopher Wren's cathedral. Meanwhile, in the neighbouring village of Westminster, there was now uprearing itself that splendid and spacious abbey-church which we still possess. And these great works were merely specimens of what the clergy were effecting in all parts of the kingdom.

The king himself was a liberal donor, in his life-time, to the church of Westminster and to various other religious edifices; but he saw that the chief means by which the ecclesiastics of that day contrived to augment the landed property of their churches and monasteries, was by practising on the hopes and fears of wealthy men, in the hour of sickness and approaching death. There was a plain moral wrong in much of this monetary traffic in the supposed destinies of the dying; and, if not controlled, it seemed likely to give the church possession, in the course of another century or two, of most of the landed estates of England. Hence, by one bold and well-conceived measure, for which Edward's chancellor, as well as Edward himself, deserves immortal honor, a substantial check was given to this whole system of death-bed gifts to the church, by the great and important *Law of Mortmain*.

Soon after this, Edward, finding all things at peace at home, paid a short visit to the continent. The death of the queen of Castile had transferred to

her daughter Eleanor, Edward's consort, the county of Ponthieu; and to obtain seisin of this territory, and to do homage for it, he visited the king of France at Amiens, where he made but an ordinary visit. From France he brought to England, on his return, some fine jasper-stones, which became part of the noble monument which he was now raising in the church of Westminster to the memory of the king his father. It was shortly after this, that he found it necessary to repress some overweening pretensions of the higher ecclesiastics. John Peckham, who had succeeded Kilwardby in the see of Canterbury, had recently convened a synod at Reading, in which various canons were passed, tending to separate ecclesiastics and ecclesiastical property from the rest of the kingdom, and to exempt them from the operation of the statute and common law. On hearing of these high pretensions, the king summoned the archbishop before his council, and obliged him to revoke and cancel all canons which pretended to overrule or set aside the laws and ordinances of the realm.

It was about this period that an application of a peculiar kind was remitted to the king from Ireland. A considerable number of persons there, attracted, probably, by the news of the king's legislative improvements, sent over a petition to be allowed the benefit of the English laws. They tendered also, in conformity with the custom of the times, a fine of 8,000 marks, for the enjoyment of this privilege. The king was quite disposed to comply with their request; and wrote to Robert de Ufford, chief justiciary of Ireland, to that effect. But wherever arbitrary power exists, there are always some persons in

authority who derive personal advantage from it, and who therefore have an interest in its perpetuation. Some sort of a parliament was held in Ireland to consider the question ; and the barons or great men in that parliament started objections, and succeeded in postponing the matter. After much delay the king again wrote, expressing his displeasure ; and ordering another parliament to be summoned to decide upon the question. This is one among a vast number of instances, in which we see how entirely free from any tendency to despotic rule was Edward's mind. Even when the expediency and propriety of a measure was obvious, and when he had a direct interest in carrying it, he issues no arbitrary decree or edict ; but merely orders, once and again, that his representative in Ireland shall summon a parliament to consider the matter. His caution, and his desire that every measure should be considered in a parliament before its adoption, had in this case an injurious effect. The men in power in Ireland succeeded in again postponing any decision, until the affairs of Wales drew the king's attention another way.

The Welsh principality had now remained in a state of apparent tranquillity for more than four years. "Slow to all manner of strife," the king had shewn the greatest unwillingness to proceed to extremities, and the moment Llewellyn asked for peace, that peace had been granted to him. And so generously had the king acted to both the brothers, that a new outbreak, which could only lead to their own ruin, was as improbable an event as could have been imagined. Yet such an event, unlikely as it might have appeared, actually took place. The king was quietly keeping Easter at Devizes, when the news was brought

to him, that David,—that same David on whom he had heaped so many favors,—had, before daybreak on the Palm-Sunday of 1282, surprised the castle of Hawarden, put the garrison to the sword, and hurried the owner, the lord Roger de Clifford, wounded and in chains, over the mountains, as a prisoner. It was added, that the two brothers, David and Llewellyn, now for the first time reconciled, had invested the castles of Flint and Rhuddlan, and were overrunning the Marches, destroying everything with fire and sword. Edward at first found it difficult to give credit to intelligence so strange and so unlooked for; but, on receiving abundant confirmation, his course was perfectly clear. England had been insulted, injured, and set at nought. Her honor must be vindicated, and her power established. Despatching into Wales, to the relief of the beleaguered castles, such forces as he had at hand, the king summoned his military tenants to meet him at Rhuddlan on the 2nd of August, when he proposed to take the field.

Still, however, though insulted and outraged, Edward did not reject the idea of peace. The archbishop again tendered his services; and the king permitted him to go to Llewellyn in the hope of bringing him to more reasonable counsels. This attempt proved a fruitless one, but it occupied some weeks. The Welsh prince handed in a list of grievances. They were just such as might have been expected: The country between Chester and Conway, formerly "debateable ground," had been ceded to the English, who had established their own laws, and their own courts, and judges, and officers: The Welsh found themselves,

in these parts, ruled over by men whose language they could not understand. By the Welsh laws, too, great crimes, such as murder or arson, were allowed to be commuted for a fine of five pounds ; while the English courts hanged up the offender. Nor would it be reasonable to assume, that the English authorities were at all times patient, and placable, and condescending. It is probable that some causes of complaint really existed ; indeed, considering the position of the two parties, this was nearly inevitable. But the existence of some wrongs of this kind did not make Llewellyn's conduct either wise or reasonable. He had already experienced the king's kindness and generosity ; and he had no right to assume that wrong-doing, clearly shewn to exist, would have been maintained and justified. Twice had he been Edward's invited guest in his palace of Westminster ; and he could not doubt of obtaining a patient hearing, whenever he chose to carry to the king's own ear a statement of things requiring amendment. Any course would have been more wise, and more defensible, than that which was actually adopted, of sudden and treacherous warfare. The archbishop brought back Llewellyn's answer ; but he must have known its insufficiency. Whenever actually engaged in warfare with a subject or a vassal, it was Edward's constant rule to listen to nothing but submission. Had Llewellyn applied to him before having recourse to arms, he would readily have done justice ; but now, a blow having been actually struck, he demanded in the first place, submission. That submission he would not purchase by any concession. If Llewellyn would lay down his arms, he should

have justice ; if not, it must be war, and then " God defend the right."

The summer drew on, and Edward began to move. His path was now quite clear. His vassal, once before rebellious, and then pardoned and generously treated, had now, with greater violence, broken out into open rebellion, and dared his lord to the field. With unhesitating decision, but without any precipitation, the king collected his forces, and entered Wales. The plan of the campaign differed in nothing from that of 1277. A naval force was despatched for the reduction of Anglesea. So soon as that island was in the possession of the English, the king's operations were chiefly carried on on the western side of Snowdon. A bridge of boats was constructed, for the passage of the Menai strait ; and while this work was in progress, the Welsh, by one of those sudden attacks of which they were always fond, surprised a detachment commanded by Lucas de Thony, a Gascon knight, and drove it into the Menai, killing and drowning a considerable number of men. Encouraged by this success, and probably dreading to be shut up in Snowdon, as in 1277, Llewellyn left his mountain-fastnesses, and passed into Radnor, where he expected to meet a party of friends. He there came into contact with an English force, under the command of Edward Mortimer and John Giffard ; and, in an irregular skirmish, he was killed by one Adam Frankton, an English soldier, who knew not his person, and was quite unconscious of his rank. But his body was soon recognized by some of the leaders of the party, and the head was cut off and sent to the king. According to the custom of the times, Edward desired

it to be forwarded to London, and set up over the gate of the Tower\*.

The death of Llewellyn so entirely discouraged the Welsh, that no further opposition was offered ; but the whole principality at once submitted, and became, from that day forward, an integral part of England. Its annexation was as natural and just a thing as many other annexations which have occurred in our own time. We may go further, and say, it was *more* natural and more just. We have annexed in India, under the mild government of queen Victoria, province after province, of far greater size and population than the principality of Wales, merely because their rulers would not conduct themselves with justice and propriety as friendly and independent states. But Wales had been for centuries feudally subject to England. Edward asked nothing of Llewellyn but that homage and loyalty to which he had an unquestionable right. On Llewellyn's first contumacy, Edward shewed the greatest forbearance ; and received his submission, and restored him to his seat, the first moment his submission was tendered. The actual rebellion and open warfare of the Welsh prince against his feudal lord, could be visited with nothing less than forfeiture. The chance-medley death of Llewellyn ended the question in the

\* Such a proceeding seems to us, in the nineteenth century, barbarous, but it presented no such aspect even to our grandfathers in the eighteenth. When the last rebellion was suppressed in England, the government of that day, of which lords Hardwicke and Chatham were members, decapitated men on Kennington-common, and sent their heads to Carlisle to be placed over the castle-gates. Pope and Addison, Samuel Johnson and William Cowper, were accustomed to see human heads on Temple-bar, as they passed up and down Fleet-street.

shortest way ; but had he met with no such death, the termination of the contest must have been the same. The principality of Wales was forfeited to the superior lord ; and Edward could feel no more doubt than we do now, that in uniting the two countries, he was consulting the best interests of both. "This incorporation," says Mr. Sharon Turner, "was an unquestionable blessing to Wales. That country ceased immediately to be the theatre of homicide and distress, and began to imitate the English habits. The country was divided into counties, placed under sheriffs, and admitted to a participation in the more important of the English institutions."

The wretched beginner of this second Welsh controversy, David of Snowdon, succeeded, for several months, in hiding himself in the mountains, and leading the life of an outlaw. His unyielding contumacy completed his ruin. Had he frankly and instantly submitted, and thrown himself on Edward's mercy, all that we know of the king assures us that at least his life would have been spared. But he remained obdurate, until, after a concealment of several months, he was at last given up by some of his own countrymen. Then, when there was no longer any merit in submission, and when nothing but an appeal to Edward's mercy could save him, he begged to be allowed to see the king. But Edward was justly and reasonably indignant at his ingratitude, and refused to grant an interview. Still, he would not hastily decide upon his fate. No one who has any acquaintance with English history can doubt, that in either of the following ten or twelve reigns, such an offender as this David would have been instantly taken before any convenient tribunal,

and would have passed to the scaffold or the gallows in less than twenty-four hours. He was an English subject,—he had been raised by Edward to the position of an English earl, and he had requited this kindness by a treacherous rebellion, and by acts unquestionably amounting to high treason. Even in our own day, princes and great men have suffered death in India for precisely the same offence.

But Edward, while he could not intend to make David an example of unheard-of clemency, would not trust himself to decide finally on his case. It is a remarkable feature of this king's character, that although possessed of a most masculine understanding, and fitted above most men to act upon the unfettered dictates of his own mind, Edward never found himself in presence of any grave and serious question, without instantly desiring to submit it to a council, or parliament, or conference with others. In the present case, as we have said, the guilt of the criminal was clear, and admitted of no doubt ; and his instant execution would have appeared the natural termination of his career. But the question of *how much*, and *what kind* of punishment would be most fitting, was one which Edward shrank from deciding. He desired also, to do nothing in haste ; and he therefore resolved to leave the whole question to a parliament ; and to summon that parliament to meet at Shrewsbury in October 1283—David having been given up to him in the June preceding.

It also seemed desirable to submit to the same parliament, a great commercial statute, which the legal advisers of the crown were then occupied in preparing. We have no means of knowing which of these two questions suggested the novel step, which

makes the parliament of Shrewsbury one of the epochs of the English constitution ; but certain it is, that this memorable assembly is the first of which we have any record, to which, as a component part in a regular English parliament, the representatives of sundry English towns and cities were regularly summoned.

We have already remarked, that from the very beginning of this great king's reign, the presence and concurrence of "the commonalty," in the task of legislation, was always distinctly avowed, as a principle; and was not so much *conceded*, as readily and voluntarily *asserted* and declared by the sovereign. Nor ought we to suppose, that in the earlier parliaments of this reign, these words were mere empty phrases, meaning nothing. Doubtless, some members of "the commonalty" were invited and admitted to those assemblies ; though who they were is nowhere recorded. But now the king resolved to give a definite shape and form to this part of the legislature ; and he accordingly commenced, of his own will and pleasure, the *borough-representation of England*. To this parliament of Shrewsbury there were summoned, *for the first time*, two citizens, "de sapientioribus et aptioribus," from the city of London, and two from each of twenty other cities and towns in various parts of England. This enlargement of the popular branch of the legislature was not dictated, as some historians are fond of assuming, "by the multiplied necessities of the crown;" for the king had no request to prefer, for money, or men, or any other kind of "benevolence." Nor was it the freak or fancy of the moment ; for we find, in the after-history of this reign, that this enlargement of the popular rights

was not, in subsequent years, retracted or forgotten ; but that it was again and again repeated and extended ; until, in the last year of Edward's reign, the city and borough representatives had become the largest section of the “common parliament.”

At Shrewsbury, then, we find this first of English kings collecting and calling into existence this first complete English parliament. And we perceive, from the language of the writs, how deeply the king felt the gravity of the question, as to the fate of David ; and how sincerely he desired that the parliament, and not himself, should decide on the fate of the prisoner. Those writs remind both the barons, and the knights, and the citizens, that they had seen “how Llewellyn and David his brother, spurning the obligations of fidelity into which they had entered, had, more treacherously than usual, suddenly set fire to villages, slain some of the inhabitants, burnt others, and shut up others in dungeons, savagely shedding innocent blood.” The king therefore desires those to whom he writes, to come to Shrewsbury on the day indicated, “there to determine what ought to be done with the said David, whom,” says the king, “we received when an exile, nourished when an orphan, and enriched out of our own lands ; placing him among the nobles of our court.” “We charge you, therefore,” the king concludes, “to meet us at Shrewsbury, on the day after the feast of St. Michael ; to confer upon this, and upon other matters.”

Before this parliament, then, was David of Snowdon arraigned. “He was tried,” says the *Chronicle of Dunstable*, “by the whole baronage of England.” It is clear that Edward sincerely desired that others, and not himself, should decide upon the fate of

this unhappy man. He appears to have retired to his chancellor's residence at Acton Burnel, about ten miles from Shrewsbury ; and to have taken no direct share in the proceedings. The trial took place, and, according to the custom of those days, the criminal was regarded as one who had committed sundry crimes, and who ought, therefore, to suffer sundry punishments. According to a method which was not uncommon at that period, these crimes and punishments were thus set forth:—1. As a traitor to the king, he was to be drawn to the place of execution : 2. As the murderer of certain knights in the castle of Hawarden, he was to be hanged : 3. As sacrilegious, in having committed these crimes on Palm Sunday, he was to be disembowelled : and 4. As having conspired the death of the king in various places, he was to be quartered. This sentence was carried into execution ; and loud are the exclamations of modern historians at its barbarity. Some mistakenly represent Edward as having, on this occasion, invented the punishment for high treason, which has continued in England almost until the present day. A more moderate censor condemns Edward for “ permitting his nobles and lawyers to devise and to carry into execution such a barbarous sentence.”

Much of this censure arises from ignorance. Such a sentence as was passed at Shrewsbury was not a novel or unheard-of thing : punishments like that inflicted on David had been inflicted before Edward was born\*. Neither was this Edward's

\* Thus, in 1238, a man was found lurking in the palace, who confessed that his object was to kill the king. He was sentenced, first, to be dragged asunder by horses ; then to be beheaded ; and to be divided into three parts, to be exhibited in three cities.

punishment for high treason. We shall meet with a case of high treason a few years after this ; and shall then observe, that the punishment inflicted for that offence in Edward's reign was far lighter than in the days of Elizabeth, or of either of the Georges.

But still there remains the fact of the cruelties inflicted on David's body,—a fact which revolts our feelings in modern times. The true justification, or palliation, of these cruelties, is found in the vast difference which existed between the habits, and customs, and tone of feeling of those days, and those of our own time. The days of chivalry were iron days. When a prince like Edward would go to a far distant and hostile country, on a perilous crusade, his gentle Eleanor must needs accompany him. When he would fight a battle, as at Falkirk, he sleeps all the previous night, with his shield for his pillow, on a Scottish moor. The very sports of those days were terrible. “Sir Patrick Graham, a Scottish knight, having arrived from Paris, was invited to supper ; and in the midst of the feast, an English knight, turning to him, courteously asked him to run with him three courses. Next morning, in the first course, Graham struck the English knight through the harness with a mortal wound, so that he died on the spot. Such were the fierce pastimes of those days\*.” And, naturally enough, men did not think of the mutilation of a human body, in or after death, with those feelings of horror with which we regard it. Robert Bruce, when dying, ordered his heart to be taken out of his body, and carried to the Holy Land. If ever a husband loved a wife, surely Edward loved his

\* Tytler's *History of Scotland*, vol. i., p. 431.

Eleanor. Yet his directions after her death, were, to place her bowels in Lincoln Minster, her heart in the church of the Blackfriars, London, and the rest of her body in Westminster Abbey. After the battle of Evesham, as we have already seen, the bloody head of earl Simon was deemed a fitting present to be sent to the home of a noble lady. How can we, then, apply to the deeds of those times the feelings or prejudices which are current in the nineteenth century ? Is it not evident and unquestionable, that the sentence passed upon David of Snowdon must have appeared to Edward himself, and to all the men of his time, in a totally different light from that in which we view it ?

So much as to the *manner* of David's death. As to his capital punishment by some mode, we apprehend that there is no room for discussion. The after-history of England furnishes instances in great numbers, of men of royal and noble blood, who died on the scaffold for far lighter offences ; and even in our own day, cases of a similar description, in India, have not been wanting. Hume, indeed, tries to exaggerate the case of David, by stating that "he succeeded Llewellyn," and thus was "a sovereign prince." But these statements are erroneous in various ways. Llewellyn did not die childless, and in no sense could his refugee brother be said to succeed him. And at the time of Llewellyn's death, his fief was justly forfeited, and the superior lord was entering into possession. As for David, he was simply an English lord,—an English subject, who had committed high treason of the plainest and most flagrant kind ; the moral guilt of which was largely enhanced by the fact, that the prince whom he thus

suddenly and treacherously attacked had been his most liberal and generous benefactor.

Edward, as we have seen, did not himself sit in judgment on David, but devolved that painful duty on his parliament. And we may be assured that this was no pretence. The king was a fearless and straightforward man, and when he called both lords and commoners to come from all parts of the kingdom to Shrewsbury, in order "to determine what ought to be done with said David," he meant exactly what he said. The sentence was that of the parliament; the king's part was merely the assenting to it.

But this was not quite the end of this transaction. Edward was a thoughtful and a merciful king; and when Llewellyn and David were both gone, he did not lose sight of the fact, that they both had left children. A letter is extant, dated November 11th, 1283, and written by the king to the prior and prioress of Alvingham, in the following terms:—

"Albeit, if we should turn our mind to past events, and should regard somewhat closely the deserts of certain persons, we should scarcely be bound to succour the children of Llewellyn prince of Wales, or of David his brother, whose perfidy is fresh in the memory of all; nevertheless, having the fear of God before our eyes, and compassionating their sex and age,—lest perchance the innocent and unconscious should seem to pay the penalties of the crimes of the impious,—we, from regard to charity, have thought fit in wholesome sort to make provision for them. Wherefore, being persuaded of your devotion, and specially considering the conversation of your order, we beseech you, brethren, that you admit to your order, and the habit of your house, any one or more of the

said children of Llewellyn and David his brother, whom we shall name to you; and that you intimate to us what you shall think fit to do in this matter, before the feast of the Nativity next ensuing. Given under our private seal at Ludlow, on the 11th day of November."

Of the result of this application to the priory of Alvingham, we find no record. But in the tenth of Edward II., we find Wenciliana, a daughter of Llewellyn, spoken of as a nun of Sempringham\*; and in the first year of his reign, Edward granted her a pension of £20 a-year (equal to £300 in the present day). Peter Langtoft speaks of her as personally known to him, and he mentions her death in June 1337. He also mentions "her cousin Gladous, daughter of David," who was a nun at Sixille house, and who died in 1336.

We must return, however, to Shrewsbury, and to Acton Burnel, the castle of chancellor Burnel; for it was not for David's trial only that this parliament was summoned. An important civil matter, as well as a criminal question, was to be discussed. And, perhaps, to sever, even in thought and memory, the one from the other, the parliament seems to have removed from Shrewsbury to Acton Burnel. Here, another of Edward's great and durable laws was to be placed on the statute-book of England.

The trade of England had attracted the attention of the king and his advisers; and the want of a new statute for its regulation had been seen. Such a measure had been prepared; and, like the other statutes of this reign, it merited the eulogium of Sir

\* Rymer's *Fœdera*, vol. ii., p. 313.

Edward Coke, as being one of those laws which "may justly be styled establishments." This statute, "*de Mercatoribus*," is described, even in the present day, by lord Campbell, as "that famous law;"—"that most admirable statute." Such was the legislative fruit of that first legal parliament of England, to which the representatives of the cities and boroughs had been duly summoned.

And now, another great work lay before the king. Wales was at last his own—justly and rightfully his own ; and finally united to England. But the country was in a state of great wildness and disorder ; and the king knew well, that the first step in the regeneration of a country (so far as a government can regenerate it) is the establishment of wise and just laws. To this work, therefore, Edward immediately addressed himself. "He was at great pains to gain a perfect knowledge of its ancient constitutions and laws ; and of the manners of its inhabitants. With this view, he issued a commission to the bishop of St. David's and some others, to investigate these matters in the most careful manner. No fewer than one hundred and seventy-two intelligent persons were examined upon oath by these commissioners ; who, upon this evidence, framed a report. Having thus obtained the necessary information, the king held a parliament at Rhuddlan in Flintshire, where he introduced as many of the English laws and customs as he felt to be convenient at that time."

The preamble to these "*Statutes of Wales*" is expressed with all Edward's sincerely-religious feelings, and noble frankness. It runs thus:—

"The Divine Providence having now, of its favor, wholly transferred to our dominion the land of Wales,

with its inhabitants, heretofore subject to us in feudal right,—all obstacles ceasing; and having annexed and united the same unto the crown of the aforesaid realm, as a member of the same body;—we therefore, under the Divine Will, being desirous that our aforesaid land should be governed with due order, to the honor and praise of God, and of holy church, and the advancement of justice; and that the people of those lands who have submitted themselves to our will should be protected in security, under fixed laws and customs, have caused to be rehearsed before us and the nobles of our realm, the laws and customs in those parts hitherto in use: which, having fully understood, we have, by the advice of the said nobles, abolished some of them, some we have allowed, and some we have corrected; and we have commanded and ordained certain others to be added thereto.”

So were framed and published the *Statutes of Wales*. At the same time, also,—for the king made a long stay in his new dominions,—there began to uprear itself, the noble castle of Carnarvon. The whole work occupied, there can be little doubt, several years; but a portion of it was rapidly completed, and fitted for the purposes of a royal residence. In 1283, queen Eleanor kept her court in Rhuddlan Castle; but towards the beginning of 1284, a portion of the new castle being completed, she removed to this most royal abode; and here, on the 25th of April in that year, in a chamber of the Eagle tower which is still shewn, she gave birth to Edward, prince of Wales, afterwards Edward II. The king, at that moment, was at Rhuddlan Castle, engaged in affairs of state. A Welsh gentleman of the name of Griffith Lloyd was announced; who brought him the intelli-

gence of the birth of a prince. The king, in great joy, knighted the messenger on the spot, and made him a noble donation of lands. He soon hastened to Carnarvon, to see his Eleanor and her son; and when a few days had elapsed, he was able to present to the Welsh chiefs “a prince of Wales, who could not speak a single word of English\*.”

For more than two years had the affairs of Wales occupied most of the king's time and attention ; but the principality seemed now at peace, and about to commence a course of rapid improvement. Edward concluded his labors in the principality with a grand festivity. At Newyn, in Carnarvonshire, in the summer of 1284, he held, after the manner of king Arthur, a round table, a grand tournament, with other festivities. Here assembled, says Matthew of Westminster, “the great body of the knights of England, with many foreign nobles.” So splendid a spectacle was well calculated to satisfy the gentry of Wales, that if their boasted “independence” was lost, they had at least gained in exchange, union with a powerful kingdom, and the rule of a great sovereign. When this festivity was concluded, the king proceeded through Cardigan and Glamorganshire, reaching Bristol by the end of the year, where he celebrated Christmas.

\* See Appendix E.

## CHAPTER THE FIFTH.

### III.

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#### THE FIRST ENGLISH KING.

III.—VISIT TO THE CONTINENT—TRIAL OF THE JUDGES—  
DEATH OF THE QUEEN.

A.D. 1284—1290.

“THE conquest of Wales,” says Rapin, “and the universal esteem in which the king was held among his subjects, produced in England a profound tranquillity.” And hence, as some questions of importance called Edward abroad, he began about this time to prepare for a visit of some length to various parts of the continent.

A singular application had been made to him, while engaged in the affairs of Wales. Two princes,—Peter of Arragon and Charles of Anjou,—had each advanced a claim to the crown of Sicily. An appeal to arms appeared inevitable; when it was suggested by Charles, and agreed to by Peter, that they should decide the question by *single combat!* Arrangements were seriously made: twelve commissioners were appointed on each side; and these twenty-four drew up articles, which were afterwards ratified by both the princes. It was agreed that the combat should take place at Bourdeaux, whither the combatants were to repair on a certain day appointed,—each to be accompanied by one hundred knights. But, as all parties agreed in regarding

Edward as at the head of the chivalry of Europe, it was made an essential point in the agreement, that he should act as the umpire, and that the combat should take place in his presence.

The two princes had evidently reckoned on the martial character of the English king, as a man known to be "mighty in arms," and who had taken part in most of the great tournaments of his time. But they had overlooked, or not understood, that this was only the inferior part of his character; and his nobler aspect was, his wisdom, his statesmanlike sagacity, and, what a modern historian calls, "his legislative mind." The proposal, when made to Edward, only struck him as being eminently absurd. He was fond of martial sports and deeds of chivalry; but he had never dreamed that the affairs of the world could be carried on by tournaments. Questions concerning kingly rights, and disputed successions, were handled by him in courts and parliaments, on the ground of truth, and justice, and established fact; and often, as in the cases of Wales and Scotland, with a deliberateness which disregarded the lapse of months and years. To leave such matters to be decided by, perchance, the possession of the strongest horse or the toughest spear, was not to be for a moment thought of. His instant reply was, "That if he were to gain by it both the kingdoms of Arragon and Sicily, he would not appoint the field of battle, or suffer the two princes to fight in any place within his dominions, nor in any other place, if it were in his power to hinder it." But he accompanied his refusal with offers of friendly mediation, which were afterwards carried into effect.

This frank and decided negative frustrated the

whole plan ; and Edward was soon requested to undertake a more pacific arrangement. In fact, throughout this whole affair, this sovereign of the mediæval times seems to have acted much as any modern king of sense and proper feeling would now act. To understand distinctly how great a superiority this implied over the prejudices and habits of thought of his own time, we should recal to mind the fact, that more than two centuries after Edward's day, two such monarchs as Charles V. and Francis I. actually contemplated, for a considerable time, a settlement of their disputes by this same absurd method of a royal duel ! In truth, in this, as in many other passages of his life, Edward evinced the possession, as it were by intuition, of all the practical wisdom which the lapse of nearly six centuries has given to the public men of modern times.

The king had now returned from Wales, and had received an urgent invitation from Philip of France, to visit him at Amiens, in order that they might consult on the subject of this dispute. He accordingly set out on this journey, and had reached Canterbury, on his way to Dover, when tidings reached him of the illness of his mother, queen Eleanor of Provence, at the convent of Ambresbury in Wiltshire. A messenger was immediately despatched to Amiens, with a letter of apology ; and Edward forthwith turned his steps towards the west. On her recovery, the king paid a religious visit to the abbey of St. Edmundsbury, and spent a part of the season of Lent in this retreat.

On the 25th of March, 1285, a parliament was held at Westminster, at which the "*Statutes of Westminster II.*" were adopted. "These statutes," says

Delolme, "are the foundation of much of the law of the land as it now stands." "They were framed," says lord Campbell, "in a spirit of enlightened legislation, and admirably accommodated the law to the changed circumstances of the social system; which ought to be the object of every wise legislator." In October, another parliament was held at Winchester, at which the *Statute of Winchester* was passed. This important enactment established an effective system of "watch and ward," for the protection of life and property; which, from the laxity prevalent through all the previous reign, had come to be greatly needed.

Two other parliaments appear to have been held in Westminster, in February and May 1286;—in fact, it appears to have been Edward's desire to hold, whenever practicable, three or four such meetings in each year. Now, as he very seldom, in the first twenty years of his reign, had any occasion to ask his people for money, his object, in thus frequently meeting his parliament, must have been that of a frank and unrestrained interchange of thought and feeling as to public affairs. This was a characteristic feature of the king's mind. Weak sovereigns always *fear* a parliament, and are eager for its separation and departure. But Edward knew nothing of fear, and he had one of the most transparent of minds. Even when vehemently opposed, as by archbishop Winchelsey, and earls Bigod and Bohun, his first thought generally was, to send for his opponents to come to him; for that "the king wished to have a private colloquium with them." In the present case, there was no quarrel or difference of opinion; but, in all probability, the chief matter for discussion was,

the king's intended visit to the continent, and the measures to be adopted for carrying on the government in his absence.

Not until the summer of that year was he able to take his departure. On the 24th of June, 1286, he embarked, accompanied by his queen, and attended by a splendid train of bishops, earls, barons, and knights. He was received with due honor by king Philip, and was conducted to St. Germain's, where he remained for several weeks. Many important questions required to be discussed by these two great sovereigns. There were various claims, some of which had been long undecided, on the part of the crown of England, on Normandy, Limousin, Saintonge, &c.; there was homage to be paid for possessions in France, to king Philip; and there was the difficult question, in which Edward had consented to act as umpire, between the houses of Arragon and Anjou, touching the crown of Sicily.

The various questions arising out of the disputed territory in Normandy, Limousin, Saintonge, &c., occupied much time. France, now strong and at peace, felt no disposition to relinquish one foot of territory. On this point Philip was immovable; and Edward, though equally warlike with his grandson, the victor of Crecy, felt none of the ambitious longings of Edward III. for conquests in France; nor any desire for such barren honors as those of Agincourt or Poictiers. He brought the various topics of discussion to a peaceful settlement; accepting an annual payment in lieu of some territory which Philip was unwilling to relinquish; and gaining, on the other hand, a concession of the right of appeal as regarded Gascony.

Quitting the court of France so soon as these discussions were concluded, Edward passed on to Bourdeaux, where many things required his presence and his decision. But the chief affair which had brought him to the continent remained now to be adjusted; and, like many similar questions referred to the decision of third parties, it proved a nearly inextricable controversy. The two chiefs,—the king of Arragon and the count of Anjou,—were equally unworthy of Edward's solicitude. He found it very difficult to effect any arrangement; and a task still more hopeless, to induce them to keep their engagements. Like the English barons in 1263, who agreed to refer their dispute with Henry III. to the arbitration of Louis of France, meaning to abide by his decision only so far as suited their own purposes,—the two combatants in the present case could in no way be made to carry out their own pledges, or to submit to the decision which they had professed to desire. Edward succeeded, at last, in making a treaty, which restored the prince of Salerno, Charles's son, to his liberty; but as soon as he had returned home, the two rivals treated the rest of their engagements with mutual disregard.

The king and queen landed at Dover in August 1289; and Edward's first acts were of a religious character. He had experienced, while abroad, deliverances of a more than ordinary kind. For several weeks he had suffered from a dangerous illness, from which, however, he had entirely recovered. And on one occasion, while at Bourdeaux, a flash of lightning, entering the room in which he and the queen were sitting, killed two of the attendants; while the king and his consort remained untouched. We have

already stated that, after the manner of those times, Edward was a most religious king. Very naturally, therefore, his first thought on landing was to pay a visit to the abbey of St. Edmundsbury, there to "perform the vows made while he was in trouble."

But his presence, and his strong right arm, were soon demanded by various public necessities. His absence had naturally tended to give opportunity for lawless practices, both among the higher and the lower classes. The excellent Statute of Winchester, made not long before his departure to the continent, had been scarcely brought into operation. Bands of outlaws concealed themselves in the forests, and way-laid travellers. Often they proceeded to still greater lengths. During a fair held at Boston in Lincolnshire, Thomas Chamberlain, a man of some note, had set fire to the town, hoping, with his associates, to take advantage of the confusion, and to pillage the place. He himself was taken and hanged, but none of his accomplices were discovered. And the root of these disorders lay deep, and in a quarter which ought to have been beyond suspicion. The judges of the land were corrupt, and for bribes would release the robber and the murderer. The archbishop of Canterbury, who probably greeted the king on his landing, acquainted him with these disorders; and made known to him their secret cause. Edward lost no time in acting with his accustomed energy and vigour.

On the 13th of October, the king celebrated the feast of St Edward; and on the same day obeyed the injunctions of the prophet (Isa. lviii. 6) by issuing a proclamation, that all persons who had been aggrieved or oppressed by the judges, or other ministers, should

come before him at the ensuing parliament, and exhibit their complaints. The result shewed, that the people put their trust in the king, and felt assured that his promise would be kept. A fearful case was established against the judges, and the chancellor Burnel, whose whole course commands our respect, "brought forward very serious charges against those high functionaries, for taking bribes and altering the records." All except two,—John de Metingham and Elias de Bokingham,—were convicted. The chief baron Stratton was fined 34,000 marks; the chief justice of the king's bench, 7,000 marks; the master of the rolls, 1,000; while Weyland, the chief justice of the common pleas, who was the greatest delinquent, fled to the convent of the Friars Minor at Bury St. Edmunds, where he took sanctuary. The king, when informed of this, sent a knight, with a guard, not to violate the sanctuary, but to blockade it till the judge should surrender. After holding out for two months, Weyland submitted, and petitioned for leave to abjure the realm. This, which involved the forfeiture of all his goods, was granted to him; and his property, when taken possession of, was found to amount to 100,000 marks,—"an almost incredible sum," says Blackstone; being, indeed, equal to about *one million sterling* at the present day. Nothing could more fully establish the guilt of the criminal, or more strikingly shew the enormous extent to which it had been carried. "These sentences," says lord Campbell, "had on the whole a very salutary effect." The example was a terrible one; yet in our own day we have seen heavier sentences, such as transportation or penal servitude, inflicted for lighter offences. The king, however, immediately added a new precaution;

by ordering that, in future, every judge, on his appointment, should take an oath to accept no gift or gratuity from any one.

Another class of offenders was, about the same time, brought under the notice of the king and his parliament. Dr. Henry says, "The Jews seem to have taken occasion, from the king's absence, and the venality of the judges, to push their exactions to a greater length than ever ; and the cry against them was now become so vehement and universal, that the parliament which assembled at Westminster on the 12th of January, 1290, came to a resolution to banish the whole race out of the kingdom." Rapin adds, "The king was unable any longer to protect them without disobliging the parliament. They had enjoyed various privileges ;—such as synagogues in London, a sort of high priest, and judges of their own nation, to decide on their own differences. These advantages they lost by not being able to curb their insatiable greediness of enriching themselves by unlawful means ; such as usury, adulteration of the coin, and the like." Another writer cites a complaint of their exactions, which shews that they were in the habit of requiring from forty to sixty-five per cent. for the use of money ; a system which would naturally and very quickly be felt to be quite intolerable.

Hence, their entire expulsion was resolved upon, and ordered. It was not an act of "religious intolerance," but of popular indignation. In effecting this, the impatient exultation of the people led them, in some cases, to actual ill-treatment of the Jews. The sailors of a ship in which some of them had embarked, placed them on a sandbank at low water, and left them to be drowned. The king ordered the perpe-

trators of this crime to be brought to trial, and on their conviction he had them hanged.

In a parliament held on the 8th of July, 1290, "several important statutes were made." And, gradually, but constantly, the idea of *legislation* by a *parliament* took root, and evinced its growth and advancement. The writs for this parliament command the sheriffs to send from their respective counties, two or three knights, with full powers "ad consulendum et consentiendum his quæ Comites, barones et proceres, tum duxerint concordanda\*." This parliament placed upon the statute book, the statutes "*de Consultatione*," "*de Quo Warranto*," "*Quia Emptores*," and those of "*Westminster III.*"

In the spring and summer of this year, 1290, queen Eleanor had the satisfaction of witnessing the marriage of two of her daughters. The princess Joanna, born at Acre, and now in her eighteenth year, was united on the last day of April, in the monastery of St. John, Clerkenwell, to Gilbert de Clare, earl of Gloucester, the most powerful peer in England. And on the 9th of July, in Westminster Abbey, Margaret, the queen's third daughter, was married to John, duke of Brabant. One of the young princesses, Mary, had in the preceding year, followed the example of her grandmother, Eleanor of Provence, and had taken the veil in the convent of Ambresbury, where the old queen had long resided.

Of the frank and cordial manners of the court, and of the harmony subsisting between the king and his consort, we catch a few indications from the remaining records. Thus, we find that on Easter

\* Parry's *Hist. Parliaments*, p. 54.

Monday, 1290, seven of the queen's ladies of honor invaded the king's private chamber, to perform the feat customary on that holiday\*, of "heaving" or lifting the monarch in his chair; and from their hands he was only released on paying a fine of forty shillings to each, to be set at liberty. On another occasion, while the king and his attendants are saddling and mounting for the chase at Fingringhoe in Essex, the king espies Matilda of Waltham, his laundress, among the lookers-on, in the court-yard. He merrily proposes a wager, of a fleet horse, probably with the queen, that Matilda cannot ride with them and be in at the death of the stag. The wager is accepted,—Matilda starts, and wins, and Edward has to ransom his horse for forty shillings.

On the marriage of the king's daughter, Margaret, to the duke of Brabant, as many as four hundred and twenty-six minstrels were present; and the bridegroom distributed among them an hundred pounds. Some entries about this period shew the king's quick irascibility. On one occasion we note an expense incurred in repairing a crown or coronet which he had thrown behind the fire. And on the princess's wedding-day, an esquire, or gentleman of the court, had irritated the king by some supposed neglect or misbehaviour, and received from him a stroke on the head from a wand. But the offender was able to shew the king that he had been hasty and perhaps unjust. Most princes would probably have been content with an expression of regret; but Edward was warm and hearty, alike in reproof or in retractation. Finding

\* This custom still exists, after the lapse of more than five hundred years, in some of the midland counties of England.

that he had done his attendant a wrong, he at once *fined himself twenty marks*, equal to about two hundred pounds of our present money, which sum was duly paid to the aggrieved party, and charged in the king's wardrobe account. Gifts of various kinds were constantly issuing from Edward's hand. In one year, 1286, the new year's gift to queen Eleanor was a cup of gold, worth £23 6s. 8d. ; and in another, a pitcher of gold, enamelled, and set with precious stones.

But all this mutual and well-placed affection was now to find the common termination of all earthly enjoyments. That happy and entire union, which had subsisted for nearly five-and-thirty years, was drawing to a close. The king and queen, after taking leave of their daughter Margaret, now duchess of Brabant, left their palace in Westminster for the midland counties. Edward had given directions for a parliament to be summoned to meet at Clipston, a royal palace in Sherwood forest; and in the interim, he hoped to enjoy his favorite recreation of the chase. He also began to receive, about this time, frequent applications from Scotland, and he probably meant to go northward on that business. The queen, as usual, was with him, or near him ; but while he was moving about, during September, she seems to have remained at Hardby, near Lincoln. We find, by the mention of her physicians, and of medicine purchased for her at Lincoln, that she had an illness of some duration. It is described as a lingering disease, or slow fever. Hardby was a manor belonging to a family of the name of Weston, and we observe a Sir John Weston in the queen's service. The house was probably placed by the family at the queen's dis-

posal; as a quieter place for a sick person than the palace of Clipston, where the parliament was about to assemble.

It is usually said, that Edward was on his road to Scotland, the queen slowly following him; and that she was taken ill on the journey, and died before he could return to her. But it has been recently shewn, that he remained in the vicinity of Hardby during the whole of her illness\*. The parliament was held at Clipston,—the king being present,—at the end of October, and it sat until the second week in November; when he returned to the sick-room. We find him at Hardby from the 20th to the 28th of November, on which day the queen died.

For two or three days, silence reigns at Hardby. There is an entire cessation of all public business; as if the powerful mind of the king had been, for the moment, utterly prostrated. But, after this pause, we find the widowed monarch at Lincoln, where he doubtless went to issue his orders for the funeral. And all the measures he took, with reference to this object, and to the matters which followed, and which were connected with it, give proof alike of the magnificence of his soul, and of the depth of his feeling for his departed consort. It has been said with great truth, that “this funeral procession was one of the most striking spectacles that England ever witnessed†.”

About ten days were occupied in this sad and solemn journey; the king and his relatives following the body the whole way. When the procession approached a town which was to furnish a resting-place,

\* *Archæologia*, vol. xxix., p. 169.

† *Ibid* : p. 174.

it halted, until the ecclesiastics of the place approached with their procession, to bear the body to its temporary abode, before the high altar in the principal church. These halting-places were afterwards made the sites of crosses, richly sculptured, and intended to remind passengers in all future times of the good queen's last journey. These crosses were raised at Lincoln, Grantham, Stamford, Geddington, Northampton, Stony Stratford, Woburn, Dunstable, St. Alban's, Waltham, West Cheap, and Charing.

The corpse of the departed queen, as it entered one of these towns, was met by the monks and clergy of the place, who, receiving and conveying it to its temporary resting-place, kept watch over it all night long, with mournful chants and unceasing prayers. It was thus slowly brought to the neighbourhood of London; and here, apparently, the king left the procession by night, and entered the metropolis, in order that he might meet the body, at the head of the nobility, and of all the dignified clergy of London and Westminster, on its approach to its last resting-place. Some of those then present would be able to recal to memory the day when, five-and-thirty years before, they had accompanied king Henry and the rejoicing citizens of London to meet the young Eleanor, then for the first time approaching their city as their prince's bride.

We have already alluded to the manner of the disposal of the queen's remains. It is most probable that it was chiefly in accordance with Eleanor's own desire. One portion was deposited in Lincoln Cathedral; another, in the church of the Black Friars in London; but the body itself was conveyed to Westminster, and placed near to the tomb of king Henry,

which was, even then, hardly completed. It is needless to add, that the funeral rites were in accordance with all the rest of this solemnly-magnificent ceremony: “*cum summâ omnium reverentiâ et honore.*”

The king remained at Westminster for about a week after the interment; doubtless, he was chiefly occupied in giving directions for the extraordinary honors which were yet to be paid to the memory of his departed consort. He then retired to Ashridge, a house of Bons Hommes, recently founded by his uncle, the earl of Cornwall, which had the reputation of possessing “a few drops of the precious blood of Jesus.” This may have been a principal reason for the selection of this spot by the king, who “himself reckoned among his most valued treasures, two pieces of the rock of Calvary, which had been presented to him by one Robert Ailward, a pilgrim.”

Edward remained at Ashridge until the 26th of January, 1291,—a long retirement for a man of such active energy. He then went to Evesham, or Eynsham; and from thence to Ambresbury, where his mother resided, and where he would also meet his daughter Mary. The spring opens before we find him actively engaged in public business; and there is reason to believe that he never ceased to lament his lost Eleanor. Assuredly, the measures he adopted during the next two years, to do honor to her memory, were of a kind which, for munificence and persevering thoughtfulness, have very seldom been equalled.

The twelve crosses which were, apparently, the first thought that occurred to him, constituted, in

themselves, a princely monument. There are records still extant of no less than £650 17s. 5d. paid for work done on that erected at Charing,—a sum equal to £10,000 of our money. The cross at West Cheap cost £300; that at Waltham, £95; that at St. Alban's, £113. But it is probable that the statues were supplied by a different artist. We are surely within the mark when we reckon that a sum equal to £30,000 or £40,000 of our present money was expended on these mementos.

A splendid tomb was placed in the minster at Lincoln. Another, in the form of a chapel, was raised in the church of the Black Friars in London. The principal sepulchral monument, however, was naturally allotted to Westminster Abbey. There, the best artist that could be procured was employed to form, in metal, a recumbent effigy of the queen, placed appropriately on a richly-ornamented tomb. The cost of the tomb is not recorded, but we find entries of as much as £113 6s. 8d.,—equal to about £1,700 of our present money,—paid to the artist employed on queen Eleanor and king Henry's effigies. A distinct payment also appears of a smaller sum, for the erection of a workshop, in which these two statues were fabricated.

But the chief work still remained to be done. Edward had noble and splendid conceptions of princely works and long-enduring memorials; but his sagacious and reflecting mind could not rest satisfied with works in stone, or works in metal. The almost universal belief of the church in England in those days,—even “holy bishop Robert” not dissenting,—was, that prayers and alms especially directed to the welfare of a departed soul, had a

beneficial effect upon the condition of that soul in the intermediate state. This opinion, when cast into the crucible of the Reformation, was found to be dross ; but in the thirteenth century it had not even been questioned. Edward's care, therefore, for the well-being of his beloved Eleanor in the invisible world, soon began to manifest itself. While at Ashridge, and himself engaged in continual prayers for his departed consort, he found time to write "a very earnest, pious, and pathetic letter, to the abbot of Clugny," one of the most famous monasteries in Europe, entreating the prayers of that fraternity for her "whom, living, he had dearly loved ; and whom, though dead, he should never cease to love." And such a request was, doubtless, accompanied by a princely offering. But, in his own realm, Edward could be more definite and elaborate.

At Hardby, a chantry was founded, and another at Elynton. And, on the first and second anniversaries of the queen's death, we find mention of various religious services and of large distributions of alms. But the principal provision was naturally reserved for Westminster. In his gifts to the abbey-church, for perpetual prayers and alms on behalf of the departed queen, "the king was quite profuse." He gave to this church the manors of Knoll, Arden's Grafton, and Langdon, Warwickshire, with other lands in the same county ; and the manors of Bidbrook, in Essex, Westerham, in Kent, and Turweston, in Bucks, for a perpetual commemoration. Special services, of the most solemn kind, were provided for, and seven-score poor persons were to have charity. The charter for these gifts was dated in October 1292,—shewing that neither the lapse of time, nor the distractions of the

momentous Scottish controversy, could withdraw his mind from this settled purpose.

Edward, however, was well versed in the Old Testament scriptures, and he remembered Isaiah's warnings against religious ceremonies without justice or charity. On the anniversaries of his consort's death, we often remark the occurrence of large distributions of alms. But another thing is also noticeable. The queen had enjoyed, from her husband's affection, large landed possessions. Her stewards or bailiffs might have wronged or oppressed her tenants. We know not what proclamation may have been made, or invitation given, calling upon all who had any complaints to offer, to come forward; but it seems quite clear, that some such proclamation must have been issued; for the records are very numerous, in the next year or two, of the investigation of such complaints. And a fixed and honest purpose to do justice to all parties, is evident in all these transactions.

The sorrow felt for queen Eleanor's death was, apparently, general and sincere. Her name is connected with no political contention or intrigue; and she seems to have made no enemies. Rishanger, writing at the time of her death, styles her, "this most saintly woman and queen;" and adds, somewhat hyperbolically, that she was like "a pillar that supported the whole state." Walsingham, who wrote in the next age, described her more intelligibly, as "a woman pious, modest, pitiful, benevolent to all." He adds, that "the sorrowful, everywhere, so far as her dignity allowed, she consoled, and those who were at variance she delighted to reconcile." But her best eulogium is found in her consort's grief.

His penetration and sagacity, his native nobleness of soul, would have rendered it impossible for him to love a mean and unworthy object. But his affection for her was not a mere youthful passion. It was after a companionship of five-and-thirty years that he gave his testimony to her worth ; and that testimony was one which few women indeed, in the whole world's history, have ever received, or have ever merited.

## CHAPTER THE SIXTH.

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### PAUSE AND RETROSPECT.

A.D. 1290.

WE have now passed the prime of Edward's life, and the first and largest portion of his reign. His gentle consort, after eighteen years of married life as princess, and eighteen more as queen, had been taken from him, and he was left alone, just when the chief troubles of his life were about to open before him. At the time of her death, he had entered his fifty-second year. After her death, he reigned somewhat more than sixteen years ; and this latter period was the most perplexed and toilsome portion of his reign ;—it is that portion, also, with reference to which many unjust accusations have been brought against him. The vehement complaints of the Scotch all rest upon the transactions of the last twelve years of his life. Two or three modern writers have passed censures on his political course in England ; but these censures, also, concern the same period. It may be said, that “the times try the man ;” and that we should judge the king rather by his conduct in difficulties, than by the tenor of his more peaceful years. But surely when we see a young prince coming to a throne, amidst great popularity and almost unbounded power, it is fair to form a judgment of him from his own unbiassed and voluntary course, rather than from his passage

through more troublous times. In the first and happiest period of his reign, we see Edward in the course which he voluntarily adopted and marked out for himself ; while in his later years we find him in circumstances of peril,—circumstances which came upon him, and were not chosen or desired by him. And the facts which are established, with reference to the first period, will serve to throw light on the facts which are in dispute, with reference to the second. The insight which we have gained into his character, by the history of his life from his early manhood to his fifty-second year, will largely aid us in considering some of the accusations brought against him in his later years. It is not often that a man who has passed half a century in virtue and honor becomes perfidious, revengeful, and unjust, towards the close of his life.

Edward, when he ascended the throne, found his choice of a career entirely within his own power. He was at liberty to comply with any of the numerous temptations which always beset the wearer of a crown,—such as luxury and vice ; ambition of conquest ; idleness, or a love of mere pleasure and amusement. But he yielded to none of these. He was an earnest constructor, improver, and reformer. He was a laborious and painstaking ruler and legislator. He was, to use old Fabian's words, "slow to all manner of strife." He had no other ambition than that of bringing, England, Scotland, and Wales into harmony,—three realms acting in unison, and never injuring each other. Surely, in weighing and estimating the character of this king, it is natural and just to pause at the moment at which we have now arrived, when more than half of his reign had passed

over, and to say, During these eighteen years Edward had ample scope and opportunity to choose his own course, and to exhibit fully his real character; and he gave himself neither to idleness and trifling, nor to foreign conquest, nor to sensual enjoyments. His life rather reminds us of the dream of our English Laureate in his latest romance, when he depicts one whom he styles “the blameless king.”

Let us look a little more closely at Edward's conduct in two or three respects. And first of that, the failure in which constituted his father's chief source of misery and peril,—the proper management of the royal revenues.

For nearly a century past, all in this department had been confusion, mismanagement, and trouble. Henry III., though not vicious or profligate like his father, was profuse and negligent. Even when penniless, and deeply involved in debt, he could delight in giving feasts of more than royal magnificence; and then, when in the greatest distress for money, he could threaten, beseech, or recklessly promise anything which might relieve him from his present difficulty. On Edward's accession, all this instantly ceases. As if by magic, order succeeds disorder\*. The royal revenues fully meet the royal expenses.

\* The entries in the *Exchequer Issues*, in Henry's reign, ran thus:—“To Humphrey de Bohun, earl of Hereford, £120 for 50 casks of wine, *taken from him* by Imbert Pugeis (a soldier) for the king's use.” “To Gerard de Bosco, merchant of Bourdeaux, 70 marks, for 20 casks of wine, *taken from him* for the queen's use.” But on Edward's succession, the change is immediate. “To Raymund de Alemaunt of Bourdeaux, £46 13s. for 20 casks of wine *purchased from him* for the king's use, by Gregory de Rokesle and Matthew de Columbarius, the king's butlers.”

In eighteen years, the king only appealed to his people four times for assistance, and then on these special occasions :—

In his fourth year, the second after his coronation, he asked and obtained a *fifteenth*, to clear off his remaining liabilities, on account of his expedition to the Holy Land.

In his fifth year, he asked for a *twelfth*, to provide for the expenses of the anticipated war with Wales.

In his eleventh year, the war in Wales having broken out a second time, he obtained a *thirtieth* from the laity, and a *twentieth* from the clergy.

And in his eighteenth year, having returned from a prolonged visit to Gascony and other parts, where he had incurred many expenses, he asked and obtained a *fifteenth*.

These four small levies are all that Edward required during the first eighteen years of his reign. The termination, for ever, of the destructive warfare on the borders of Wales, which had so long laid waste several counties, was far more than an abundant compensation to his people. And had Edward never been assailed by others, the rest of his reign might have passed over without any further demands upon his subjects. Had not Philip of France endeavoured to deprive him of Gascony, while the Scotch, in reckless violation of their recent oaths, allied themselves to France, and invaded England, there is no reason to suppose that any burdens would have been laid upon the people, or that the earls of Norfolk and Hereford would have found any opportunity for their resistance or their “patriotism.”

Yet the just and wise economy which was always

practised by this king, was kept in harmony with a truly royal munificence. Beginning at the very outset,—Edward's coronation-banquet was one of unusual splendour and liberality. His round-table celebrations must have been very costly. Fond of hunting, his stables must have occasioned a considerable outlay. His presents were magnificent. His charities were very large. The entries under this head, in his *Wardrobe Accounts*, were numerous, and must have reached an aggregate, in each year, of large amount. One of the chronicles of the day makes this brief allusion to his charities:—

“ King Edward, turning aside to the northern parts, celebrated Easter at Newcastle, where he distributed great abundance of oblations in the monasteries, and gave large alms to the people;—insomuch, that many men not poor did not blush to pretend themselves so, being allured by so great liberality\*.”

On the first anniversary of his consort's death, besides great and costly solemnities at Westminster, the Black Friars in London, and at Lincoln, we find mention made of many other places,—Haverfordwest, Burgh, Haverleigh, Somerton, Lindhurst, Ledes, and Langley,—where the day was observed with special rites, and the distribution of alms. All this was done at the king's expense; and sums varying from £19 to £30 were given to each place. But £30, in those days, was nearly equal to £500 at the present time.

On the second anniversary, besides many other celebrations, alms were distributed to the prisoners

\* *Chronicle of Lanercost, A.D. 1291.*

in Newgate ; to the hospitals of St. Giles, St. James, St. Thomas, St. Mary, and St. Bartholomew, in London ; and also to the seven houses of Friars Mendicants in the same city.

But while the king's charities were thus extensive, his household affairs were managed with the utmost prudence. A modern writer observes, that "his household as king was both well-regulated and economical. We have a record of his expenses while residing at Langley, Bucks, in Lent 1290." This, of course, was not a season of festivity ; but we find that "in the first week his expenses were £7 10s. 4½d., in the second, £5 19s. 0½d., and in the third, £5 12s. 2½d.\*" Now, bearing in mind the habits and usages of that time†, when the regulated price of a lamb was *sixpence*, and of a goose, *fourpence*, we shall see at a glance, that this expenditure for a king, in retirement during the season of Lent, was both liberal and economical. It contrasts forcibly with the reckless extravagance of his father Henry, and of his still more wasteful son, the second Edward. Henry, after

\* Blaauw on the *Barons' War*, p. 34.

† The *Chronicle of Lanercost* gives us this anecdote of the manners of that day :—"Richard de Clare, earl of Gloucester, paid a visit to Robert Grossetete, bishop of Lincoln, who received him with great honor, and desired his seneschal to provide a fitting dinner. At table the earl was seated at his host's right hand, and it was a day when meat was not permitted by the church. It was customary to eat choice sea-wolves," (the dog-fish, still eaten in parts of Normandy,) "and the servants placed a very fine fish before the bishop, and a smaller one before the earl. The bishop was angry, and said, 'Take away this fish, or else bring the earl one equally fine.' The servants said, that there was no other so large. 'Then,' said the bishop, 'take away this fish, and give it to the poor, and bring me one like the earl's.' " (*Chronicle of Lanercost*, p. 44.)

his royal festivities at Bourdeaux and Paris, in 1254, returned home burdened with debts, which he himself described as “horrible to think of.” And the younger Edward, when just commencing life, seems to have been accustomed to spend as much *daily* as we have just seen his father spend *weekly*! We have a record of his household expenses for three days in 1293, when he was staying in a country residence. On Thursday his expenses amounted to £7 4s. 5d., on Friday, to £6 8s. 1d., and on Saturday, to £6 4s.; being at the rate of about £46 per week. The expenditure of his household in that one year amounted to £3,846 7s. 6d., which, at the present value of money, would be equal to more than £50,000 per annum. That such habits in youth should lead to a reign of discomfort, closing in dis-honor, is not to be wondered at. But we must return to our present subject.

The uprightness and practical wisdom which marked Edward's management of his pecuniary affairs, were equally conspicuous in all other departments. His time, his thoughts, and his whole soul, were given to his high and onerous duties. He had succeeded to the throne of a realm which, for more than eighty years, had not known the sway of one competent sovereign. Universal laxity and disorder prevailed. Instantly, therefore, and with a vigorous hand, he applied himself to the work of establishing a system of wise laws, and of improving the administration of justice. His sagacious and vigorous mind penetrated and pervaded every department. And hence it is, that in the judgment of all competent historians, the thirteenth century is the starting-point of the history of England. A writer of the Elizabethan

age\*, repeatedly notices with admiration, “his noble industry,”—his “unceasing labours;” and this praise is justified by the recorded facts. In former reigns, foreign contests, and the suppression of rebellion, or the enjoyment of hunting, filled up the reigns of the Norman kings. But Edward lived for England. In the former reigns, a brief charter had sometimes been extorted from the king; and in Henry’s long reign, our statute book commences, with six ordinances, made in the course of fifty-six years. But so soon as Edward ascends the throne, legislation of the highest order at once begins. Crowned in 1274, in 1275 we have the *Statutes of Westminster*, “a code, rather than an Act of Parliament.” In 1276, the statutes *on Coroners* and *on Bigamy*. Occupied with Wales for one year, in 1278 we have the *Statute of Gloucester*; and in 1279, the great *Statute of Mortmain*. Once more Wales claimed his attention; but in 1283 was passed “the famous statute” *de Mercatoribus*. In 1284, followed the *Statutes of Wales*. In 1285, the second *Statutes of Westminster*, and subsequently, the *Statute of Winchester*. He was then abroad for three years; but on his return, we have, immediately, the statutes *Quo Warranto*, and *Quia Emptores*, and *Westminster III*. Thus, it is evident, that Edward deemed, most wisely and justly, that the establishment of good and wholesome laws was his primary duty.

A hasty observer might remark, that the *quantity* of this legislation was not large; and that a statute or two in a year might be reckoned a slow rate of production. But the answer to this is obvious. The

\* *Castra Regia*. Roxburgh Club.

work of legislation was but newly undertaken, and those who had addressed themselves to it were prudently cautious. Some of these statutes, too, were large and comprehensive measures ; well deserving a prolonged and careful consideration. But this brings us to a distinct and separate question,—the character and value of Edward's legislation. And this is the most wonderful feature in the whole case; for the high quality of this legislation is probably unparalleled. Who is a higher authority on such questions than sir Edward Coke ? who says of Edward's laws :—

“ All the statutes made in the reign of this king may justly be styled ESTABLISHMENTS ; because they are more constant, standing, and durable laws, than have been made ever since. Justly, therefore, may this king be called, our JUSTINIAN.”

Fifty years after sir Edward Coke, lived the great and good sir Matthew Hale, who, in describing the growth of the common law of England, says of this reign :—

“ Never did the laws, in any one age, receive so great and sudden an advancement. Nay, I may safely say, that all the ages since his time have not done so much, in reference to the orderly settling and establishing the distributive justice of this kingdom, as he did in the short compass of his single reign.” He adds, “ Upon the whole, it appears, that the very scheme, mould, and model, of the common law, as it was rectified and set in order by this king, so in a great measure it has continued the same, through all succeeding ages, to this day. So that the mark or epocha we are to take for the true starting of the law of England, *what it is*, is to be considered, stated,

and estimated, from *what this king left it*. Before his time, it was, in a great measure, rude and unpolished ; while, on the other hand, as it was thus polished and ordered by him, so it has remained hitherto, without any great or considerable alteration.”

A century after sir Matthew Hale, wrote sir William Blackstone ; who, after repeating what sir Matthew had said, goes on, as follows :—

“ It would be needless to enumerate all the particulars of these regulations, (king Edward’s laws;) but the principal may be reduced under these heads :—

“ He established, confirmed, and settled, the great charter, and the charter of forests.

“ He gave a mortal wound to the encroachments of the pope and his clergy, by limiting and establishing the bounds of ecclesiastical jurisdiction ; and by obliging the ordinary, to whom the goods of intestates at that time belonged, to discharge the debts of the deceased.

“ He defined the limits of the several temporal courts of the highest jurisdiction ; the king’s bench, common pleas, and exchequer, so that they might not interfere with each other’s proper business.

“ He settled the boundaries of the inferior courts, in counties, hundreds, and manors.

“ He secured the property of the subject, by abolishing all arbitrary taxes and talliages, levied without consent of parliament.

“ He guarded the common justice of the kingdom from abuses, by giving up the royal prerogative of sending mandates to interfere in private causes.

“ He settled the forms, solemnities, and effect of fines levied in the court of common pleas.

“ He first established a repository for the public records of the kingdom.

“ He improved upon the laws of king Alfred, by that great and orderly method of watch and ward, established by the statute of Winchester.

“ He settled and reformed many abuses incident to tenures, by the statute of *Quia Emptores*.

“ He instituted a speedier way for the recovery of debts, by granting execution, not only upon goods and chattels, but also upon lands, by writ of *elegit*; a signal benefit to a trading people.

“ He effectually provided for the recovery of advowsons, as temporal rights.

“ He closed the great gulph, in which all the landed property of the kingdom was in danger of being swallowed, by his reiterated statutes of Mortmain.

“ I might continue,” adds sir William, “ this catalogue much further; but upon the whole we may observe, that the very scheme and model of the administration of common justice between party and party, was entirely settled by this king.”

*Legislation*, then, was the chosen path of Edward,—the work which he voluntarily took in hand, and in which he constantly persevered;—legislation, and not war, as so many of our historians would have us believe. Drawn, as he was, repeatedly into war, he never once voluntarily engaged in it. The conflict in Wales,—the only one in which he was involved during the first twenty years of his reign, was clearly forced upon him. He could only have avoided it by giving up one of England’s ancient rights, and by leaving Wales free to wage perpetual wars with England.

As a legislator, therefore, Edward stands pre-eminent, above all other sovereigns, ancient or modern. Yet this is scarcely half the praise which is his due. Legislation which depended on a single life, would obviously have one manifest imperfection. The maker of good laws might be succeeded by a maker of bad ones ; or by a ruler who was incompetent to make any. Hence we discern the immense debt of gratitude which we owe to this wise and patriotic king, for the establishment, not merely of many admirable laws, but also of a legislature, fitted and intended to carry on that work in all time to come. “*The word PARLIAMENT first occurs in our statute book in the preamble to the Statutes of Westminster, 1274.*” But not for the *word* only, but for the *thing*, are we indebted to Edward. The word, indeed, had been used a few years before ; as early as 1246 one of the king’s councils received that name ; but the thing,—the institution,—which we now call a parliament, was bestowed upon England by the noble mind of king Edward.

The expounders and historians of the constitution of England too often intermingle and confound things which are essentially distinct. Into the formation of what we now so highly prize as the British parliament, there enter, of necessity, four ideas. Two of these existed before Edward’s day ; but the remaining two, which are by far the most valuable, we owe mainly to him.

(1) The king must have a council—this, in Norman times, was an assembly of the great men, the barons of the realm ; and (2), this council must be consulted, and must have a voice, in the imposition of taxes. So far as this had England proceeded in

its search after liberty before Edward had risen out of his childhood. Magna Charta declares as much as this; and the chronicles of the reign of Henry III. tell us, again and again, that “the king held a council, and asked for an aid.” And, towards the end of his reign, some of these councils are called “parliaments.”

But now Edward ascends the throne, and at once two other ideas appear,—two principles of unspeakable value. In his very first parliament, and in the very first Act of that parliament, these two principles are broadly and plainly asserted; namely (3), that such an assembly, now first officially styled “a parliament,” properly consists of prelates and lords, and “all the commonalty of the realm, thither summoned.” And (4), that one of its chief functions is to deliberate upon proposals laid before it, which are to become, on its assent, *statutes of the realm*.

It is the enunciation of these two principles which constitutes the real glory of king Edward’s reign. That enunciation was his own voluntary act; and its sincerity was proved by all the measures of his subsequent career. His life was devoted to the working out of this great theory. His first statute, in its preamble, gives a bold and fearless sketch of a free legislature; and before he died, he had gathered around him, as elected members of that legislature, the representatives of all the most populous towns of his realm of England.

Justly then does the writer, whom we have already cited,—a contemporary of Spenser and Shakespeare,—describe this king as one “in whom we see the value of wisdom, kingly powers, and noble industry,”—one who “was a fatherly king to his

people; employing all his life, care, and labor, to benefit and nourish the commonwealth,—one, in fine, “in whom the good government and commonwealth of England had their chief foundation\*.”

\* *Castra Regia.* Roxburgh Club.

## CHAPTER THE SEVENTH.

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### SCOTTISH AFFAIRS.—THE ARBITRATION.

A.D. 1291—1292.

WE have now passed in review the first eighteen years of Edward's reign, and have seen how utterly baseless are those representations which depict him as a man of an encroaching spirit, of "boundless ambition," and as "always intent on his own personal aggrandizement." Throughout this first and longest portion of his reign, including the very prime of his life, we have found him always choosing the works of peace. And when forced, by the wilfulness of the Welsh chiefs, into the field, he was unquestionably slow in commencing hostilities, anxious to use every method of avoiding them, and prompt to seize any opportunity that offered of withdrawing from a state of warfare. We shall now have to describe those transactions with Scotland, into which Edward was drawn in the nineteenth and twentieth years of his reign, and which ended by placing John Baliol on the throne of that kingdom; and we shall find, on the part of the English king, the same caution, prudent deliberation, and desire to respect the rights of others, which were apparent in the controversies with Wales eight or ten years before.

Alexander III. of Scotland had married, in 1249, Edward's sister Margaret; and we have already no-

ticed, in a former chapter, the visit of the young king and queen to the English court in 1256. The Scottish queen again visited her parents in 1260, and in February 1261 she gave birth, in Windsor Castle, to a daughter, who afterwards became queen of Norway. Alexander himself, with his queen, attended the coronation of Edward in 1274, and both Knighton and Trivet distinctly state, that he did homage to the king of England on the following day. But this, as it happened in the middle of a feast, might refer to mere verbal and unrecorded expressions ; and it seems to have been held necessary that this great public act should be done at a council, and accurately recorded. Correspondence accordingly took place relative to Alexander's next visit to England ; and it was not until the year 1278 that the act of homage appears to have been properly performed and put on record. Discussions seem to have taken place on a question which had long been at issue :— whether the homage paid was for the kingdom of Scotland, or for certain lands held by the Scotch king in the northern counties of England ; and the form of homage which was finally adopted leaves this question open. By it, Alexander "becomes Edward's liegeman against all his enemies\*," without particularizing for what territories he so engages himself. There appears, through the whole remainder of Alexander's life, no breach of amity between him and Edward ; nor any attempt, on Edward's part, to set up any new pretensions.

Ten or twelve years passed over, and the daughter of the Scottish king, born in 1261 at Windsor, was

\* Rymer's *Fœdera*, vol. ii., &c.

married to Eric, king of Norway. Her brother, the only surviving son of Alexander, was also married, about the same time, to a daughter of the count of Flanders. But a comparatively short period saw the removal of the whole family by death, with the single exception of a daughter of the Norwegian queen. Margaret, Alexander's queen and Edward's sister, died in 1274 ; her son in 1282 or 1283 ; and her daughter, the queen of Norway, in 1283 or 1284. Finally, Alexander himself was killed by a fall from his horse in 1286 ; and thus the succession devolved on the last descendant of his house, the young princess, styled "the maiden of Norway," the only child of Eric and Alexander's daughter.

On Alexander's bereavement of both his children, a meeting of the estates of the realm had been held at Scone in 1283-4 ; at which meeting the succession was declared to belong to "the maiden of Norway." On the last sudden and unexpected calamity,—the death of the king himself,—another meeting was held, and recourse was at once had to king Edward, who was the great-uncle of Eric's daughter. He was in Gascony at the time, and he merely counselled them to choose a regency, and to carry on the government in the young queen's name. The intelligence seems not to have at all hastened his return home, which did not take place until two or three years afterwards\*.

\* Mr. Tytler, one of the best and fairest of the Scottish historians, thus describes the king's conduct at this period:—"Edward contented himself with observing the turn which matters should take in Scotland, certain that his power and influence would in the end induce the different parties to appeal to him ; and confident that the longer time he gave to these factions to

A council or parliament was accordingly held at Scone on the 11th of April, 1286, at which a regency, consisting of six “guardians of the realm,” was appointed. The persons chosen were, the *bishop of St. Andrew's*, the earl of Fife, the earl of Buchan, the bishop of Glasgow, the lord of Badenoch, and James, the steward of Scotland.

But, in the absence of any visible sovereign, it was not surprising that the Bruces, and Baliols, and other families which claimed to be in the line of succession, should draw together, consult, and form confederacies, having in view the contingency which afterwards did actually arise,— that the young “maiden of Norway” might die before she could ascend the throne. These rivalries and confederacies increased, and the parties strove with each other, until, at length, as the historian of Scotland confesses, “open war broke out between the adherents of Baliol and Bruce; and, for two years after the death of the king, continued its ravages in the country\*.”

Such was the state of affairs during the last portion of Edward's stay on the continent; and assuredly, for this sad predicament of Scotland, he was in no

quarrel among themselves and embroil the country, the more advantageously would this interference take place.”

Edward was at this time entirely occupied in the thankless task of mediating between the princes of Arragon and Anjou,— an endeavour which occupied him for a long time, and from which he could not with honor withdraw. He also suffered a long and dangerous illness. Yet, for *not* interfering in Scottish affairs at this moment, he is to suffer the imputation of an insidious and designing policy. Thus, whether he interferes or does not interfere, whether he speaks or is silent, he is equally blamed by a native of the northern kingdom.

\* Tytler's *History of Scotland*, vol. i., p. 72.

way answerable. But the natural and inevitable consequence was, that so soon as he arrived in England, he was compelled, by appeals directed to him from all sides, to begin to concern himself with the troubles of that kingdom. Sir Francis Palgrave has shewn, by a reference to the original documents, that such appeals were addressed to him by the earl of Mar, by Robert Bruce, lord of Annandale, and by a body called “the seven earls of Scotland.” These parties all “appealed to the king of England and his royal crown.” So invoked, the king invited them to send commissioners to meet him at Salisbury in November 1289, there to treat of “certain matters of import;” and to which meeting the king of Norway would also send an ambassador of his own. The Scotch readily acceded to his proposal, and they sent to this meeting at Salisbury the bishop of St. Andrew’s, the bishop of Glasgow, Robert Bruce, and John Comyn.

The “matters of import” which Edward propounded to this meeting, concerned a plan, the best which human skill could have devised, for restoring and securing the tranquillity of Scotland. The young prince of Wales was now in his sixth year,—the maiden of Norway was of nearly the same age. If these two children were betrothed to each other, the kingdom of Scotland would at once be placed under the joint protection of England and Norway. Thus all would be security and order; and, in lapse of time, on the succession of the young prince to the throne of England, the unity and harmony of the two kingdoms, under one head, would be secured in the best and most unobjectionable manner. Even the Scottish historians, with one consent, admit the

wisdom and prudence of this plan, which Hume himself describes as “favorable to the happiness and grandeur of both kingdoms.”

They also concede, that the negotiation was conducted with the greatest fairness and liberality on Edward’s part. Appealed to on all sides, he could not question his own position, as, practically, the superior lord. The king of Norway had instructed his ambassadors to treat with the Scottish commissioners “only *in the presence* of the king of England.” And, referring to a claim which he had upon the Scots for a sum of about 3,000 marks, he requests the king “to issue his commands to the guardians of Scotland” to pay him the money. The young queen, also, while she was the daughter of the king of Norway, was also the daughter of Edward’s niece. In every way, therefore, the interposition of these two kings was the reverse of officiousness or assumption.

Nevertheless, Edward, with his usual liberality of feeling and practical wisdom, allowed the Scottish commissioners to make almost their own terms. He treated with them, says one Scottish writer, “quite on a footing of equality.” “The terms agreed upon,” says another, “were strictly honorable to the weaker party.” And thus was framed and completed, so far as human beings could accomplish it, “a project,” which Hume describes as “so happily formed and so amicably conducted.”

But everything human is uncertain, and this wise and prudent plan was wholly subverted in a few short months by the death of the young queen on her voyage from Norway in the autumn of 1290. “This fatal event,” says Mr. Tytler, “which may justly be called a great national calamity, struck

sorrow and despair into the heart of the kingdom." Obviously, that state of anarchy and civil war which had recently called for the interposition of the two kings, might now be expected to return. The pretensions of the rival candidates so nearly resembled each other, and the difference between them was so slight, that neither could be expected to give way; and a bloody, and perhaps a long-protracted strife, seemed almost inevitable.

It is abundantly clear that the arbitration of some eminent and powerful personage was the only conceivable way by which the Scottish nation could escape from this fearful peril. And to whom, but to Edward, should they appeal in this emergency? To him they had already gone, more than once or twice, in their recent troubles. Bruce, one of the claimants, had been so far connected with Edward in times past, that had any other referee been named, he would probably have refused to acquiesce. But to an appeal to the king of England, no objection seems to have been made in any quarter.

The bishop of St. Andrew's, whose name has just been given, as the first on the list of the "guardians of the realm," and the first of the commissioners sent to Salisbury, wrote to Edward on the 7th of October, 1290, "*entreating* him to approach the border, to give consolation to the people of Scotland, to prevent the effusion of blood, and to enable the faithful men of the realm to preserve their oath, by choosing him for their king, *who by right ought to be so\**." For so calling upon Edward, the bishop is severely handled by many Scottish historians. But

\* Rymer's *Fœdera*, vol. ii., p. 741.

surely, with a civil war impending, the bishop deserves little blame; especially when we see that the prince to whom he thus applied was afterwards accepted as the arbitrator by all the competitors, and by the assembled nobles of Scotland.

On the fact, that Edward was called upon by the chief men in Scotland at this juncture, there is no dispute, even among the Scottish historians themselves. Dr. Henry says, “The regents, the states, and even the competitors, agreed to refer this great controversy to the king of England;” and “the bishop of St. Andrew’s was sent into England to inform Edward of this reference, and to entreat him to take upon him the office\*.” And Mr. Tytler adds, that “there is also reason to suspect, from documents recently discovered, that Bruce and his adherents had not only claimed his (Edward’s) protection at this moment, but secretly offered to acknowledge his right of superiority†.”

Thus invoked by the leading men in Scotland, who wrote to him,—“We shall be involved in blood, unless the Most High provide a remedy by your interposition,”—Edward, so soon as he had recovered from the depression occasioned by the loss of his queen, wrote to the chief men in that country, desiring them to meet him at Norham, on the English side of the Tweed, on the 10th of May, 1291. Hume adds, that the king, “carrying with him a great army, advanced to the frontiers.” But this statement is shewn by the existing records to be utterly untrue. Edward, knowing that he was about to meet all the nobles and chiefs of Scotland, who,

\* Henry’s *History*, book iv., c. i.    † Tytler’s *Scotland*, vol. i., p. 84.

in the existing state of things, would assuredly come armed and well attended, issued writs to about fifty-eight of his military tenants in the northern counties, desiring them to meet him at Norham *in the beginning of June*. This was obviously a measure of precaution. He went to the place of meeting with the Scottish chiefs, attended by his ordinary retinue. But, foreseeing that some troubles might arise, and that it would be most inexpedient that the umpire or superior lord should be powerless in the presence of the Scottish barons, he took measures to have in attendance, in about *three weeks after* the commencement of the proceedings, a few thousand men, being merely such a force as two or three counties could easily raise. Hume again speaks of Edward's "powerful army," and represents the Scottish barons as having been "betrayed into a situation, in which it was impossible for them to make any defence." But, of any "powerful army" there is not the slightest trace in history; and if Hume had consulted Rymer, he would have seen, that among the fifty-eight military tenants who were summoned to meet in June, there appeared the names of John Baliol, Alexander Baliol, John Comyn, and Robert Bruce, all of whom held lands of Edward as English barons. Thus the Scottish leaders, so far from any "betrayal," were fully apprised several weeks before of Edward's plans, and were quite at liberty, if they thought fit, to adopt measures for resistance\*.

But we have only yet arrived at the 10th of May, 1291. The armed force which Edward had summoned to meet in June had not yet appeared; and

\* See Appendix F.

the king, with his chief nobles and great law-officers, met the Scottish barons without any means or purposes of intimidation.

But the first question which naturally arose was, as to the nature and character of the proceedings which were about to commence, and as to Edward's real position in the controversy. To render the decisions which might be adopted valid and conclusive, it was essential that this point should be settled at the commencement. If the Scotch merely wished Edward's interposition as an elected umpire, they should have been prepared with an agreement, signed by all the contending parties, clothing him with this temporary authority, and binding themselves to submit to his decision. Such had been the course taken in England in 1264, when the disputes between Henry III. and his barons were referred to the judgment of Louis of France. But, in the present instance, no Scottish writer has ever pretended that the barons of Scotland had taken any such course, or had formed any such plan. They simply "appeared." But this "appearance" disposes of another objection, sometimes taken by the Scotch writers,—namely, "that no *national* proposal had ever been made to Edward to undertake the settlement of the question." It is difficult to understand how, in a state of civil war, the *nation* could speak. But the fact is, that the general attendance of all the great men of Scotland at Norham disposes of all such objections. It has never been disputed that Scotland was there present, as far as Scotland could be present; and it is an universal rule, that the mere fact of *appearance*, without protest, terminates all such questions.

But what was the king of England's position in

that great assembly ? and in what capacity did the Scottish barons appear before him ? On this important point, history is quite silent as to any acts or declarations of the Scottish leaders.

It belonged, therefore, to the king to speak. He at once told them, without the least reserve or delay, by the mouth of Roger Brabazon, his chief justiciary, “that the disturbances which had arisen, in consequence of the late king’s death, were grievous to him, and that, in consequence thereof, and for the restoration of peace, he had travelled a great distance, in order, as lord paramount, to do justice to all.” And first, he asked them, in the most distinct manner, whether they heartily recognized him as lord paramount of the kingdom of Scotland ?

This was, unquestionably, the most frank and open way of proceeding ; and it was, also, rendered necessary by the position of the question. It would have been manifestly absurd for the king to have undertaken the decision of the controversy, without first having it distinctly settled and understood in what capacity or character he was acting.

At the same time we must not shut our eyes to the fact, that Edward, while he proposed to determine equitably the succession to the crown of Scotland ; did also propose, at the same time, to decide another important question.

Whether Scotland was, or was not, a fief of the crown of England ; and whether the king of Scotland, when he did homage at Westminster, did it for Scotland itself, or for some lands in England, had long been disputed points. When England was strong and Scotland weak, as in 1174, then the homage paid for *Scotland itself* was clear and unques-

tionable. But when a weak sovereign ruled in England, then the Scots were naturally contumacious. This undecided and fluctuating state of things Edward resolved to terminate ; and assuredly he is not open to blame for so resolving. The great object he had in view was a most noble and patriotic one. He desired to bring the whole island of Great Britain into a state of unity and harmony ; and thus to put an end to those internecine wars which had often weakened and wasted the three divisions of the land. Mr. Sharon Turner, who is a severe judge of the whole life of Edward, does him justice, and no more than justice, at this point of his history. He says :—

“ In justice to one of the greatest sovereigns that has swayed the English sceptre, it is important to remark that, although the incorporation of Scotland (with England) became at last his determination, there are not sufficient grounds to impeach his probity with this plan before the conduct of the Scotch led him to adopt it. All that he claimed at the outset was, the feudal sovereignty of Scotland. But so had the king of France been the feudal sovereign of Normandy and Gascony ; and yet the kings of England, who did homage for these possessions, had enjoyed the government of those countries with sufficient independence. There is no evidence that when Baliol was crowned, the king of England projected to abolish the Scottish royalty or parliament. To be the lord paramount, the feudal sovereign of the whole island, as the king of France had been of Normandy, Bretagne, Flanders, and Aquitaine, while these provinces were enjoying their independent hereditary governments, was the honor to which Edward aspired ; and the great political object which he would have at-

tained by it would have been *a termination of the predatory wars which had always desolated the borders of the two kingdoms.* It was a species of impiety and perjury for the liegeman to make war on his feudal lord ; and it exposed him to the loss of life and territory. Scotland becoming a royal fief of the English crown, a new and sacred bond of amity was established between the two countries. The facts, that *for four years Edward did nothing incompatible with the continuance of the Scottish royalty*, and that it was the wilful hostility of Scotland itself which forced him into the field against it, afford reasonable evidence that the line which we have drawn was the limitation of his ambition\*.”

Edward's object, then, was a truly patriotic one. It was one in which the real interests of both England and Scotland were deeply concerned. But did he pursue a straightforward and honorable path, or did he venture to “do evil that good might come?”

There is no ground for questioning the uprightness of his conduct. The homage of the Scottish kings to the crown of England was a matter of general notoriety ; and before he went to the conference at Norham, Edward had directed his great lawyers to look into the facts of the case. They had collected a long array of proofs, the bulk of which were merely monkish traditions, recorded in old chronicles. But, together with these, there were some undoubted facts, which proved a superiority asserted by England, and admitted by Scotland, during several centuries past.

And besides all this, the circumstances which were

\* Turner's *History of England*, vol. v., p. 75.

in Edward's own knowledge, all tended to the same conclusion. What meant the application made by the Scotch to him while in Gascony, or the repeated appeals to him since by the bishop of St. Andrew's, by the seven earls of Scotland, by Robert Bruce, by the earl of Mar, and others, all "*appealing to the king of England and his royal crown*," if Scotland was as independent of England as it was of France or of Norway? Sir Francis Palgrave has well observed, that "we have now full evidence that the interposition of Edward was neither wanton nor aggressive, and that it little deserved the terms by which it has been described. Kings have hard measure meted out to them by historians. Let the English monarch be tried by the test and example of an English gentleman:—If, on the death of the copyhold tenant, all the persons claiming the right of admission unite in applying to the lord of the manor for a new grant, will it be easy for him to doubt that he is the lawful owner of the domain\*?"

Such, then, was the first question opened at Norham. It was, clearly, a necessary one; for how could Edward commence his duties as judge, or arbiter, until he knew whether, and upon what grounds, he was admitted by the contending parties to occupy that position. Hence he said to them, at the very outset, "I come here as lord paramount;—do you receive me in that character?"

Their first reply seems to have been, that they were not prepared to give an answer to such a question; and that they wished for time to deliberate. The king expressed surprise that they should be un-

\* *Palgrave's Documents*, vol. i., p. 25.

prepared to give an answer, *since they were not ignorant of his intentions.* We gather from this expression, that the king had made no secret of his views or purposes; and that there was nothing sudden or unexpected in the demand which he made. Still, as they desired time to deliberate, he adjourned the meeting to the next day; and on their then appearing still undecided, he gave them a further delay of three weeks.

It is quite clear that this delay left to the Scottish leaders the most entire liberty to choose any course which they judged best. The most absurd charges are brought against Edward, by modern Scotch historians, of “fraud,” of “surprise,” and of bringing the Scottish barons into a position in which they could make no defence. But the baselessness of these charges is quite evident. Edward, at this time, had no military array; he met the Scottish lords on equal terms. He then dismissed them, to depart to their own homes, and return in three weeks with their answer. They knew, and had long known, that in June the king would have around him a few thousand men, to enforce any decision at which he might arrive. But the delay which he had frankly conceded to them, placed them on a level with him, even as to power. Had they chosen to resist his pretensions, they were at liberty to collect their forces; and with these forces they might have returned to the Tweed in June, replying to the king, “We do not recognize you as our superior lord, but we are willing to accept you as umpire.”

The Scottish barons, however, took no such course. Their real weakness lay in their own jealousies and disunion. They allowed the three

weeks to elapse, and returned to Norham in the beginning of June, prepared to acquiesce in Edward's demand.

At this second great meeting, the king's chancellor, Robert Burnel, was the chief spokesman. He opened the business by stating, that as the king his master had granted them a sufficient time to prepare any objections which they might have to his claim of superiority, and as they had produced none, the king would now proceed, acting upon his right, to do justice, as lord paramount, to all the claimants.

"The chancellor then turned to Robert Bruce, and demanded whether he was content to acknowledge Edward as lord paramount of Scotland, and willing to receive judgment from him in that character; upon which this baron expressly answered, that he recognized him as such, and would abide by his decision. The same question was then put to the other competitors, all of whom returned the same answer. Sir Thomas Randolph then stood up, and declared, that John Baliol, lord of Galloway, had mistaken the day, but would appear on the morrow, which he did, and then solemnly acknowledged the superiority of the English king\*."

The king himself then addressed the assembly. He declared his intention to pronounce a speedy decision in the controversy; and, meanwhile, to maintain the laws, and re-establish the tranquillity of the country. The several claimants then affixed their signatures to two important instruments,—the first, declaring their consent to receive judgment from the king as lord paramount; and the second, delivering the land and

\* *Tytler's History of Scotland*, vol. i., p. 88.

the castles of Scotland into Edward's hands, he engaging to re-deliver them to the person who should appear to be justly entitled. Then, a list of eighty commissioners was formed, by the candidates themselves, to which list the king was to add twenty-four names; and these commissioners were to receive the claims of the several candidates, and to report them to the king.

On the 11th of June, the regents of Scotland delivered the kingdom, and the governors of the castles gave up those fortresses, into the hands of king Edward, who immediately re-delivered them to the regents; promising to give full possession to the rightful claimant, so soon as the question as to the succession should be decided. The guardians of the kingdom then swore fealty to Edward, as lord paramount, and were followed in the same oath by Robert Bruce, by his son, by John Baliol, and by the earls of Buchan, Mar, Athol, Angus, Lennox, Menteith, and many other barons and knights. The peace of king Edward, as lord paramount, was publicly proclaimed, and the assembly was adjourned until the 2nd of August, then to meet at the town of Berwick-upon-Tweed. On that day it again met; and the claimants were invited to present their petitions. These, which were twelve in number, were read; and the king recommended them to the attention of the commissioners; enjoining them to give in their report to him, at Berwick, on the 2nd of June, in the next year. Edward was at that time called to England by the illness of his mother, who was then on her death-bed. He had also the disagreeable task before him, of suppressing a violent feud which had broken out between the earls of Hereford and

Gloucester. He probably also anticipated, that the investigation of the claims of so many as twelve candidates, by a large body of commissioners, would necessarily occupy much time. On these grounds he postponed the decision until the following summer, and soon took his departure for England.

In June 1292, the commissioners assembled, the king and all the claimants being present. It probably now began to be fully understood, that the question must lie between Bruce, who was the *son* of Isabella, the *second* daughter of David, earl of Huntingdon, and Baliol, who was the *grandson* of David's *eldest* daughter. Some difficulties arising, the king desired further information to be obtained; and adjourned the further hearing until the 15th of October. On that day all parties again met, and the king proposed to the commissioners two questions: first, by what laws or customs the judgment ought to be regulated? and, secondly, was the kingdom of Scotland to be regarded as a common fief, and the succession to be regulated by the same principles which were applicable to earldoms and baronies? The commissioners replied, that the laws and usages of the two kingdoms must rule the question; but if none existed to regulate the case, the king must make a new law for a new emergency; and that the succession must be decided in the same manner as the succession to earldoms, baronies, and other indivisible inheritances.

The claimants were then called upon, and each endeavoured to maintain his own right. The language used by John Baliol, who ultimately obtained the kingdom, is worthy of notice. He urged, "that the claimants were in the court of the lord paramount, of whose ancestors, from time immemorial, the realm of

Scotland was held by homage; and that the king of England must give judgment in this case as in the case of other tenements held of the crown, looking to the laws and established usages of his kingdom\*."

The king then required of his great council a final answer to this question: "By the laws and customs of both kingdoms, ought the issue of an elder sister, but more remote by one degree, to exclude the issue of a younger sister, although one degree nearer?" The council replied, that the issue of the eldest sister must be preferred. Another adjournment then took place, until the 6th of November. On that day the king declared his judgment, that Bruce's right must yield to the superior claim of Baliol. Whereupon a new question was raised: John de Hastings, descended from the *third* daughter of David earl of Huntingdon, alleged that the kingdom of Scotland was partible, and ought to be divided among the descendants of the three daughters. Bruce followed, maintaining the same view; and the king referred the question to his council,—"Is the kingdom of Scotland divisible; or are its escheats and its revenues divisible?" The council replied, that neither could be divided. One more adjournment then took place, to the 17th of November, when all parties were commanded again to meet, in the castle of Berwick-on-Tweed.

"On that great and important day, the council and parliament of England, with the nobility of both countries, being met, and the various competitors appearing, the king solemnly decreed, 'That the kingdom of Scotland, being indivisible, and the king of England being

\* Tytler's *History of Scotland*, vol. i., p. 96.

bound to judge of the rights of his subjects according to the laws and usages of the people over whom he reigns, by which laws the more remote in degree of the first line of descent is preferable to the nearer in degree of the second; therefore, John Baliol ought to have seizin of the kingdom of Scotland, with reservation always of the right of the king of England, and of his heirs, when they shall think proper to assert it.'

"After having delivered judgment, Edward exhorted Baliol to be careful in the government of his people, lest, by giving any just cause of complaint, he should call down upon himself an interference of the lord paramount. He then commanded the regents to give him seizin of his kingdom, and directed orders to the governors of the castles throughout Scotland to deliver them into the hands of Baliol. The great seal of Scotland was then broken into four parts, and the pieces ordered to be deposited in the treasury of the king of England \*."

On the following day, Baliol, in the castle of Norham, swore fealty to Edward, who gave a commission to John St. John to proceed to the coronation of the new king. This ceremony took place on St. Andrew's day; and towards the end of December the king of Scotland visited Edward in England, and paid homage to him at Newcastle-on-Tyne.

So ended this great transaction, and even Hume is obliged to admit, that "the conduct of Edward, both in the deliberate solemnity of the proceedings, and in the justice of the award, was so far unexceptionable." Other Scotch writers, however, have

\* Tytler's *History of Scotland*, vol. i., p. 100.

endeavoured to impeach Edward's honor in this affair on two grounds: They have alleged that he would have decided in Bruce's favor, if Bruce would have consented to acknowledge his feudal superiority; and they have surmised, that he gave the preference to Baliol as being mentally the weaker of the two candidates, and therefore the fitter for his purpose.

The first of these fictions is sufficiently refuted by Hume's own statement, that "*Bruce was the first that acknowledged Edward's right of superiority over Scotland* ; for even in his petition, in which he set forth his claim to the crown, he applied to him as liege lord of the kingdom, a step which was not taken by any other of the competitors." So far, then, as submission to Edward's claims could merit his favor, Bruce had gone farther than Baliol or any of his other rivals. And the supposition that Edward's preference for Baliol was dictated by selfish motives, is equally opposed to the known facts of the case. Bruce and Baliol were both English barons, as well as lords in Scotland ; but Bruce was the more English of the two. He, the competitor, had for many years sat as a judge in Westminster Hall. His son, the earl of Carrick, had accompanied Edward in his expedition to Palestine ; and in Rymer, under the date of 1281, we find the following letter :—

"The king, to Bonrunonio de Luk\*, et sancto Merc' de Luk, greeting: Whereas our beloved Robert de Brus, earl of Carrick, is in present need of money, we request you that you will cause to be advanced or lent to the said earl or his attorney, for

\* De Luc or De Luke was a Florentine merchant or banker, and collector of the Customs.

his occasion, forty pounds, and we will cause them to be repaid to you. And when you have lent to him the aforesaid money, you shall take from him his letters patent, testifying his receipt of the same. Witness our hand. Windsor, 10th September, 1281.\*

So far, therefore, as we can judge at this distance of time, we should be inclined to think that the king's preference was for Bruce, but that his sense of justice compelled him to give judgment in Baliol's favor. No mental weakness, supposed to exist in Baliol, "could be more favorable to Edward's views than the personal friendship of Bruce and his son.

Our English king, then, had preserved his integrity throughout this whole transaction. If any sinister or concealed purposes had been entertained by him, opportunities of furthering them had not been wanting. If the subjugation and annexation of Scotland had been then in his mind, the unwise proposal of some of the competitors,—to divide the kingdom into three,—offered him a signal opportunity of advancing his plans. Hume admits, that "his interests seemed to require the partition of Scotland." Yet he promptly rejected the proposal. Rapin, another historian who is by no means partial to Edward, admits his purity in these transactions. He says, "It appears from Edward's whole conduct, that his intent at first was not to become master of Scotland, but only to render that kingdom dependent on England, in which he did but follow the steps of most of his predecessors." "If he had designed a conquest, he might have found pretences to place English

\* Rymer's *Fædera*, vol. ii., p. 597. This, probably, is one of the earliest instances we have, of an English king's *cheque upon his banker*.

governors and garrisons in the fortresses that were put into his hands ; or by acceding to the demand for the partition of the kingdom, he might have so weakened it as to render its wretchedness and ultimate fall inevitable."

There remains, therefore, no other charge against Edward, even from those most inimical to him, but that of his having used this occasion to establish what he deemed the rights of the English crown. This Hume terms "iniquitous." But let it be remembered, that this measure, if successful, involved consequences of the most beneficial kind, alike to both kingdoms. Chiefly, it would have terminated "those predatory wars which had so often desolated the borders of the two kingdoms." And the opportunity offered to Edward of accomplishing this great work, must have seemed one which it would be criminal to neglect. Long before he had approached Scotland, its chief men directed to him many applications, in which they treated him as their superior lord. He was sensible of the prodigious advantages which would result from any scheme which rendered this state of things permanent. He therefore accepted that which the Scotch seemed eager to offer. At their request he assumed the place and the functions which they tendered. Meeting the assembled barons of Scotland, he frankly and explicitly stated his views. Allowing them an abundant space for deliberation, he again proposed the question. And then, without a dissentient voice, Scotland accepted him as her superior lord. That she, or that some of her barons, afterwards repented of their deed, and wished to retract it, occasioned many calamities to both countries. In fact, this unfaithfulness

threw the two realms back into that condition of enmity, from which it had been Edward's aim to rescue them. It led to the sacrifice of hundreds of thousands of lives, and to the long postponement of that union which, after all, was inevitable. But, for all this, it remains indisputable that Edward's aim was a noble and patriotic one ; and that the means he employed were direct, straightforward, and suitable to the occasion.

## CHAPTER THE EIGHTH.

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### ENGLISH AFFAIRS.—TROUBLES WITH FRANCE.— WAR IN SCOTLAND.

A.D. 1292—1296.

WHEN the king, in August 1291, adjourned the Scottish question at Berwick until June 1292, his most urgent reason for thus suspending the sittings and leaving Scotland, was, the serious illness of his mother, queen Eleanor of Provence, who died about the end of that summer, at Ambresbury in Wiltshire; and at whose funeral he was present, early in September, attended by a great assembly of prelates and nobles, especially convened for that ceremony.

But there was another matter which still more imperatively demanded the king's attention. Two of the chief nobles of the kingdom, Gilbert earl of Gloucester, and Humphrey earl of Hereford, had quarrelled, and had gone to the extremity of open war. The earl of Gloucester was the king's son-in-law. Presuming, probably, upon this, and confident of his power, he had encroached upon the possessions of the earl of Hereford, and had begun to build a castle on the lands belonging to this earl. Bitter contentions and open violence naturally followed; and the king, hearing of the quarrel, had been obliged to send to the two earls his commands, reserving the hearing of the matter for his own court; but enjoin-

ing, meanwhile, an abstinence from all violent proceedings. But the quarrel had gone too far to be so arrested. The followers of the two earls were everywhere at enmity. Houses were burnt, churches demolished, and many persons were killed. Hence, without any delay, on the very morning after the funeral of his mother, the king sat in council at Ambresbury, whither a large assembly of the nobles had come for the religious ceremony, and there called the two earls before him.

The offence they had committed was of the highest gravity. As the king's lieutenants, each in his own district, their first duty was "to keep the king's peace," and to make all other persons keep it. Instead of which, disregarding the authority of the law, they had plunged into open violence, and thus, as far as in them lay, had introduced a state of rapine and utter confusion.

Gloucester, now brought into the presence of law, supported by power, put forward some pleas in justification, which required time for their establishment or rejection. The king, therefore, directed the necessary inquiries to be made, and adjourned the further hearing until January 7th, 1292. On that day it was adjudged by the king's council at Westminster,—the king himself pronouncing the sentence,—that the two earls were both guilty; that the liberties of Glamorgan and Brecknock should be forfeited for their respective lives; and that they themselves should be committed to prison during the king's pleasure. The authority of the law was thus vindicated, and two of the greatest nobles in the realm were shewn to be subject to it. After a time the relaxation which was implied in the terms of the sentence

took place. The earls were set at liberty, and their forfeitures were commuted for fines proportioned to their respective criminality. Hereford was ordered to pay 1,000 marks, which was equal to about £10,000 of our present money. But Gloucester, who doubtless had been the aggressor, and who probably presumed on his connexion with the crown, was subjected to a fine of 10,000 marks, which, according to our present values, would be equal to £100,000!

During the summer and autumn of 1292, as we have already seen, Edward was occupied with the affairs of Scotland. Early in 1293 he returned to England, and shortly afterwards a petty quarrel between two seamen on the coast of Gascony gave rise to a war, wholly unprovoked on Edward's part, but which harassed him in a variety of ways during the next five years.

A ship from Normandy and an English vessel had sent their boats ashore for water, near Bayonne, and a scuffle arose as to the preference, in which one of the Normans was killed. Irritated at their defeat, the Normans carried their complaints to the French king, who, most rashly and unwisely, bade them avenge themselves. So encouraged, the Normans boarded an English ship in the channel, and hanged up one of the sailors at the yard-arm as a reprisal for the loss of their comrade at Bayonne. But the sailors of the Cinque ports were not likely to submit to such a wrong; new encounters soon followed, and the channel quickly became one extensive scene of violence and unauthorized warfare. Ships were captured and recaptured, and homicides of all kinds were frequent. Edward quickly sent the earl of Lincoln to the court of France, to desire that some means might

be found to put a stop to these disorders ; but Philip was a haughty prince, and disliked to make any admission of his error. But while the earl waited for his answer, the warfare on the coast came to its height. A fleet of about two hundred French ships, laden with wine, was met with by some sixty or eighty vessels from the Cinque ports ; and, a collision taking place, the French fleet was nearly destroyed, and several thousands of the seamen killed or thrown overboard. The news soon found its way to the French court, and Philip was exceedingly enraged ; the more so, doubtless, inasmuch as he could not but feel conscious that the whole mischief had sprung from his own hasty and injudicious counsel. But his wounded pride blinded his reason. He sent an angry message to Edward, demanding immediate compensation. Edward sent over the bishop of London to represent, first, that he had his own courts, in which he would see justice done at all times ; secondly, that he was ready to agree to an arbitration, which should decide the whole question ; or, thirdly, he would meet the king of France himself, if any difficulty arose about a settlement. But Philip was too angry to listen to any reasonable proposals. The bishop had to leave the French court without an answer ; the English students found it prudent to quit the university of Paris ; and generally, throughout France, the English travellers and residents saw themselves in circumstances of peril. Commerce was entirely interrupted, and all things were falling into confusion. At last Philip cited Edward himself to appear before him in Paris, there to answer sundry charges. The king sent his brother Edmund, who had married the mother of the queen of France.

He also took the precaution to send an able commander, St. John, into Gascony, with instructions to put that province into a state of defence.

Edmund was received at Paris with apparent kindness, and the queen and the queen-dowager expressed great desire for the restoration of peace. But they represented to him that Philip was chiefly enraged at some insults which he had received from the Gascons ; and that, if Edward would give him temporary possession of that province, so as to vindicate his honor in the sight of that people, he would engage to restore it immediately, and would accept a very easy satisfaction for all other injuries. This sort of formal and temporary possession, given to the superior lord, was not an uncommon thing in those days. We have already seen that Edward, in the Scottish arbitration, had the kingdom and its castles put into his hands, on his engaging to restore them to the rightful owner : *and he did so restore them.* In the present case he does not seem to have supposed it possible that two crowned queens could be lending themselves to a fraud. Therefore, says Hume, “he sent his brother orders to sign and execute the treaty with the two queens. Philip solemnly promised to execute his part of it ; and the king’s citation to appear in the court of France was accordingly recalled. But the French monarch was no sooner put into possession of Gascony, than the citation was renewed ; Edward was condemned for non-appearance ; and the province, by a formal sentence, was declared to be forfeited and annexed to the crown\*.”

\* Hume adds, very strangely, “Edward had thus fallen into a *like snare* with that which he himself had spread for the Scots.” What “like snare?” Scotland had been placed in his hands, on

To a prince like Edward, this must have been a double mortification. He was himself the very soul of honor ; and to find his equals and associates capable of fraud and deceit must have been grievous to him. He also prided himself on maintaining to the full all the rights and honors of the crown which he wore ; and hence, to be robbed of a noble province by mere chicanery and falsehood, would be doubly vexatious. But to this loss he never for a moment submitted, nor did he cease his efforts till he finally regained that territory for the British crown.

In the summer of 1294, he prepared a large armament for the recovery of the province ; and appealed to the clergy at Winchester for a liberal aid, which was readily granted him. A parliament held in November gave him *a tenth*, which was voted and paid with more than ordinary readiness ; and Edward was preparing to lead his forces in person, when a new peril called for his presence in another direction. The Welsh had felt aggrieved, a year or two before, by the levy of a fifteenth, granted by parliament, and collected by English officers in a manner to which they were, as yet, unaccustomed. Hearing now that the king was about to sail for Gascony, they deemed it a favorable juncture for an attempt to throw off the English yoke. It was always their wont to act by a sudden outbreak. Accordingly, taking advantage of a fair at Carnarvon, a rendezvous was appointed, and the leaders succeeded in surprising the castle, and in putting all the English to the sword. A small force, under the earls of Lancaster and

his promise to restore it ; which promise he kept. Gascony was placed in the hands of Philip, on a similar promise ; but that promise was broken. Instead of likeness, here is utter dissimilarity.

Lincoln, advancing into Denbighshire, was defeated by the Welsh ; and on the whole, Edward felt that it would be unwise to leave England with such a sore unhealed.

He therefore proceeded in November into Wales, having placed the expedition for Gascony under the orders of the earl of Richmond, who had with him de Vere, St. John, and other officers of distinction. The king kept his Christmas at Conway ; but shortly afterwards, attempting to penetrate further in spite of the season, he was placed, for a short time, in a position of difficulty and peril. He had led the way, with the vanguard, over a mountain-stream, which, rising suddenly, became impassable, and thus divided the few men who were with the king from the rest of the army, while the baggage and provisions were still in the rear. Thus separated from the main body of his forces, the king was blockaded by the Welsh, and found his little party nearly destitute of provisions. There was not bread enough for their wants, and water mixed with honey was the only drink that remained to them. A single keg of wine was discovered, which the soldiers naturally proposed to reserve for the king's use. But Edward rejected the thought, exclaiming, "No ; in a case of need, all things should be in common ; and we will all fare alike, till God shall give us release. I, who have led you into this difficulty, will know no preference." Happily, the waters soon began to subside ; the rest of the army found means to join the king ; and the Welsh were quickly put to flight\*.

We shall see the king, a few years later, in his

\* Walter Hemingford.

sixtieth year, sleeping, the night before the battle of Falkirk, on the open heath, with his shield for his pillow, and his horse for his companion. And doubtless it was this soldierly frankness and hardihood, joined with his knightly fame, and his never-failing success, which gave him such remarkable command over his soldiers, and made a campaign under his leadership so attractive and popular a duty.

This Welsh insurrection did not long detain the king. The leaders of the outbreak, Morgan and Madoc, were soon reduced to difficulties, and threw themselves upon Edward's mercy. Madoc was confined, for a time, in the Tower of London ;—of Morgan we only hear, that “he received mercy\*.”

Meanwhile, the hostilities between the Normans and the people of the Cinque ports raged with augmented fury. The English commanded the channel, landed where they pleased in Normandy, and ravaged the towns and villages near the coast. They took and burnt Cherbourg. Philip equipped a fleet of three hundred ships, and this large force succeeded, for a time, in doing some injury to the Kentish coast. But the French had no great cause for triumph. The *Chronicle of London*, now in the British Museum, briefly records, under date of this year, 1294, that “The Normauns came to Dovorre, and brent a gret part of the towun ; but they were sclayn every moder's son ;—ther eschapid none.” One French ship, with three hundred soldiers on board, grounded near Hythe, and fell into the hands of the Kentish men, ship and crew.

\* Matthew of Westminster.

One part of Philip's plan failed through the detection of one of his agents. One Thomas de Turberville, a knight of some note in Glamorganshire, being taken prisoner by the French, offered his services to Philip ; holding out large expectations of aid he could render to the invaders. He represented, that if released, he could obtain from Edward the command of one of the Cinque ports ; and could thus give the French fleet and forces a secure landing-place. He was accordingly permitted to return ; and began to use his best endeavours to carry his plans into effect. But probably his anxiety to be employed on the Kentish coast awakened suspicion :—his correspondence was intercepted ; and letters, developing his purposes, were seized. He was brought to trial ; the evidence was conclusive, and he received sentence of death. And here we see what the real punishment for high treason at this time was. His guilt was more plain and more heinous than that of the Jesuit priests, who, in Elizabeth's reign, conspired against her life and government, in obedience to their spiritual head at Rome. They were, not once or twice, but in considerable numbers, hanged, disembowelled, beheaded, and quartered. But this Turberville, who had conspired, not against his sovereign only, but against his own people, whom he was willing to sell to a foreign invader, received the milder sentence of being drawn to the gallows on a hide or hurdle, there to be hanged, and left hanging in chains. In a word, the punishment actually inflicted in Edward's time for the crime of high treason, was merely that which, in our own time, has been inflicted for piracy. And yet many writers have represented, again and again, that the terrible punish-

ment for high treason, which was inflicted for several centuries in England, and which remained on our statute book until the days of Mackintosh and Romilly, was devised and appropriated to that crime in Edward's reign!

Philip's wrath, however, grew with his defeats ; and he began to form confederacies with other powers, such as Norway and Scotland, for the invasion and humiliation of England. And this brings us to the commencement of the fearful story of the wars between England and Scotland, which, in the year 1295 began to be contemplated, and in 1296 actually broke out. These wars lasted, in the days of Edward I. and II., for more than twenty years. They again and again broke out, in subsequent reigns, until the union of the two kingdoms finally terminated them. The immediate question before us is, With whom did they originate ?

Hume, and several other writers, unhesitatingly assume, that these wars were intentionally provoked by Edward, and formed a part of his plan. Hume says,—“ His intention plainly was, to enrage Baliol by indignities, to engage him in rebellion, and so to assume the dominion of the state, as the punishment of his treason and felony.” But upon the very face of the matter, this supposition is manifestly absurd. The war with France had broken out *before* Edward took any hostile measures against Scotland. The Scottish quarrel evidently occurred at the most inconvenient of all periods ; and could never have been desired or sought by him at that most inopportune moment.

But, in proof that Edward desired to provoke the Scotch to resistance, it is said, that “ he encouraged

all appeals to England ; required king John, by six different summonses, to come to London," and in this way, "provoked him to vindicate his liberty."

Strange to say, none of the old Scottish writers thus defend, or account for, Baliol's rebellion. Barbour, the earliest of them, has not a word of this story; Wyntoun speaks only of one appeal,—that of Macduff, the earl of Fife; Buchanan follows him; and even Mr. Tytler, the latest and best of all the Scotch historians, rests his case solely upon this appeal of the earl of Fife. No one pretends that Baliol appeared to any other appeal. The citations alluded to must have been mere legal formalities. It was the conduct of Edward on Macduff's appeal, which constituted the real grievance. Mr. Sharon Turner, who reviews the whole case with an impartial and a lawyer-like eye, says,—“Edward received an appeal against Baliol's judgment preferred by a Scotchman to himself, as lord paramount, and summoned Baliol to his parliament to answer it, and expressed displeasure when he attempted to dispute his homage; but *this*, between 1292 and 1296, was the extent of his adverse conduct. Two other cases, mentioned by lord Hailes, were, the one, a complaint against Edward's own officers; the other, an illegal imprisonment of his officers\*.”

Beyond this contention about appeals, there was no quarrel between Baliol and Edward. Before any judgment was pronounced, Baliol asked for time to consult his parliament. It was granted; adjournment after adjournment followed; and, in fact, no judgment ever was pronounced. Meanwhile, Baliol's

\* Turner's *History of England*, vol. v., p. 75.

claim to the honors and lands of Tyndale, Penrith, and Sowerby, with a third part of the honor of Huntingdon, was allowed, and he was generously exempted from a payment of £3,000 due from the estates of his mother\*.

The quarrel with Scotland, then, which produced such terrible results, may be said to have taken its rise, formally, from Edward's assertion of the right of receiving appeals. But was this any extravagant or inordinate pretension on his part?

On the contrary, it was an essential point of his prerogatives as lord paramount; and it was known to be so, by all parties, from the beginning. For nearly seven years past the Scotch had been appealing to him. They had sent after him to Gascony, in 1286, to know what course they should take on their king's death. In 1290, they had again applied to him, in the most urgent manner, to come and decide between the opposing claims of the competitors for the crown. At their request he met the nobles of Scotland, and at once told them, "I come as lord paramount; do you recognize me as such?" After some delay, and therefore without hurry or precipitation, he was so recognized. And when he had decided the question in Baliol's favor, he again distinctly warned him of their mutual relations; counselling him "to be careful in the government of his people, lest by giving any just cause of complaint, he should call down the interference of the lord paramount." Thus there never was the least concealment or reserve on Edward's part. He stated, from the first, what he conceived to be his rights, and he found

\* Lingard's *History*, vol. ii., p. 540.

nothing but acquiescence on the part of the Scotch. And it was several weeks after this explicit declaration, that Baliol came to him at Newcastle and took the oath of homage, avowing himself Edward's "liegeman for the kingdom of Scotland and all its appurtenances."

All questions being thus decided between the two, how was Edward to act when the earl of Fife, in the very next year, lodged an appeal against one of Baliol's decisions? To refuse to entertain it would be to abdicate his functions as lord paramount. Such appeals were not unusual, or even of rare occurrence. Mr. Tytler himself says,—“Edward, who was a vassal of the king of France for the duchy of Aquitaine, became involved with his lord superior in a quarrel similar to that between himself and Baliol. Philip summoned Edward to appear in his court at Paris, and there to answer, as his vassal, for the injuries which he had committed\*.”

But it may be replied, that Edward, when so summoned, refused to go, and preferred to declare war against the king of France; and that the same right must be conceded to Baliol. Unquestionably, the same right, *if the cases were the same*. But all turns, if we are discussing the moral aspects of the question, on the respective grounds of quarrel.

Edward, as all historians agree, had been grievously wronged by Philip, and was entitled, and in fact was bound, to demand redress for these wrongs. In his message to the king of France, declaring war against him, he thus states the grounds of his resistance and hostility:—

\* Tytler's *History of Scotland*, vol. i., p. 108.

“The king of England did you homage conditionally ; namely, according to the form of the peace made between your ancestors and his, which peace you have not kept. Moreover, that all differences between your subjects and his might be ended, a treaty was made between you and the lord Edmund his brother, containing certain articles *which you have not performed*. And after that, he hath required of you, three several times, to restore his land of Guienne, and to deliver those of his subjects whom you detain in prison, all which you have refused. Wherefore it seems to him, that you no longer count him your vassal, and accordingly he refuses to be so for the future.”

Now no one disputes, that as Philip had sinned against Edward, so it was quite possible that Edward might have sinned against Baliol. But what are the grievances alleged ? There is nothing that deserves the name: for the reception of Macduff's appeal was, on Edward's part, both a right and a duty. Yet this reception constitutes the whole case against him ; and upon this ground alone, the Scotch threw all their oaths to the winds, and resolved upon war.

In December 1292, at Newcastle-on-Tyne, John Baliol, after full warning of the intent and meaning of the homage, had taken the following oath :—

“ My lord, sir Edward, king of England, *sovereign lord of the realm of Scotland*, I, John Baliol, king of Scotland, become your liegeman for the kingdom of Scotland, and all its appurtenances and appendages, which kingdom I hold, and ought of right and claim to hold by inheritance, for myself and my heirs, kings of Scotland, of you and your heirs, kings of England. And faith and loyalty I will bear to

you and your heirs, kings of England, of life and limb, and earthly honor, against all men that may live and die\*."

Such was Baliol's oath, deliberately taken, with a full knowledge of its meaning, in December 1292. The like oath was also taken by all the nobles of Scotland. Yet, in less than three years after, finding Edward involved in a war with France, they eagerly seized the opportunity of freeing themselves from all these obligations. They sent an embassy to France, and entered into a treaty, engaging to assist Philip by invading England! Such was the first step in the long and sanguinary Scottish wars. Mr. Sharon Turner justly places these wars to the account of the Scotch; remarking that,—

"For four years Edward did nothing incompatible with the continuance of the Scottish royalty; and it was the wilful hostility of Scotland which forced him into the field. From 1292 to 1296, though he received an appeal against Baliol's judgment, and summoned Baliol to his parliament to answer it," "yet this was the extent of his adverse conduct. And so far was Edward's behaviour from being revolting to Scottish feeling, that Bruce, the competitor of Baliol, having died, his family desired Edward to receive its homage, and willingly performed it†."

Edward, then, had done nothing to call forth the hostility of Scotland; in fact, he had simply carried out his own professions and pretensions, and expected the Scotch to do the same. Being now involved, by no fault of his own, in a war with France, he

\* Rymer, vol. ii., p. 590.

† Turner's *History of England*, vol. i., p. 76.

called upon Baliol, and the other Scottish nobles who had sworn fealty to him, to give him their aid against the hostility of the French. This aid every leading man in Scotland had solemnly sworn to render ; yet, instead of keeping their oaths, the Scottish barons instantly violated them in the most direct and flagrant manner. They had sworn “to bear faith and loyalty to Edward, against all men that may live or die ;” instead of which they deliberately contracted with Philip to raise an army and to fall upon England, so as to assist the French king’s designs. What share of this treason and perfidy ought to be allotted to Baliol it is difficult to determine. The whole power in Scotland seems to have been taken out of the king’s hands, and usurped by a faction of the nobles ; who at first dictated to the king, and at last dethroned him. They assembled a council or parliament at Scone, at which they resolved to dismiss all Englishmen who were in any public employments ; to seize upon all lands in Scotland which belonged to Englishmen ; and even to deprive of their estates in Scotland those Scotchmen who remained faithful to Edward. “In this way Robert Bruce lost his lordship of Annandale. It was given to John Comyn, earl of Buchan, who instantly assumed the rights of a proprietor, and took possession of Lochmaben Castle\*.”

But the ruling faction was not even content with wholesale confiscation. Mr. Tytler continues,—“The party who then ruled in the Scottish parliament, dreading a submission on the part of their king, secluded him from all power, *confined him in a moun-*

\* Tytler’s *History of Scotland*, p. 110.

*tain fortress*, and placed the management of affairs in the hands of twelve of the leading nobles."

Bruce the competitor, and formerly an English judge, had lately died. His son, the earl of Carrick, whom we recently saw styled, in one of Edward's letters, "our beloved Robert Bruce," and who was, throughout his life, faithful to Edward, would naturally keep the king acquainted with all that was going on. He would apprise him of this state of general disorder, usurpation, and confiscation ; the king in prison, —all power monopolized by a faction, who plundered and banished their rivals, and who were collecting a force avowedly intended for the invasion of England. This state of affairs would satisfy Edward that before he could visit Gascony, he must do something for the pacification of Scotland. The treaty with France was no secret ; it was made by an embassy consisting of several persons, and it was discussed in the Scottish council. Its main provisions would thus inevitably become known ; and Robert Bruce would be able to warn Edward, that an invasion on the side of Scotland was to be anticipated.

The king was thus involved in war, at once in two opposite directions. Gascony had been fraudulently seized upon, and he could not, for a moment, contemplate submission to such a wrong. He therefore prepared a fleet of 352 ships, on board which about 7,000 men were embarked ; but the state of affairs in Scotland rendered it inexpedient that he himself should accompany this force. He therefore placed it under the command of his brother, the earl of Lancaster ; who, after gaining some advantages, died at Bayonne, and left the command to the earl of Lincoln.

Meanwhile, the king knew that it was absolutely

necessary, that he should take effectual measures to protect his northern frontier against the threatened Scottish invasion. But, although his revenues were so well managed as to suffice for all ordinary demands, the extraordinary exigencies of two wars had placed him in a position of financial difficulty. A year or two previously he had despatched one expedition into Gascony, and now another had exhausted his means, and the armament for Scotland was still to be provided for. A larger supply than usual was needed, and how should it be obtained? The consideration of this question in Edward's mind, produced, at last, what Hume describes as "the real and true epoch of the House of Commons," and the "dawn of popular government in England."

Two earlier dates have been assigned for this great epoch; but that which is now before us may on some grounds claim the preference. Simon de Montfort, in 1265, while he held both Henry and prince Edward in his custody, summoned a kind of parliament and assembly in Westminster, to sanction some of his transactions with the king; and to this parliament he called a portion of the barons,—*i. e.* those of his own party,—some knights, and the representatives of certain borough-towns. But this whole transaction was regarded, as Hume remarks, as "the act of a violent usurpation;" and no one ever dreamed, in future years, of treating it as a precedent.

Nearly twenty years had passed away, when Edward himself, in 1283, not wishing to determine arbitrarily the fate of David of Snowdon, called to Shrewsbury not only the barons and the knights, but also representatives from several of the larger towns;

and before these representatives he placed not only the case of David, but also the great "Statute of Merchants,"—the first English law, probably, to which the assent of any borough-representatives was ever asked.

Still, in the present case, a new feature,—a new cause for this appeal to the people,—is apparent. A national peril, an exigency affecting all classes, had shewn itself, and Edward, with his characteristic manliness, resolved to place it frankly before his people, and to ask their aid in a matter in which, as he tells them, "all were equally concerned." The writs convening this parliament of November 1295 must be taken to speak the very language of Edward's own noble mind. Those writs commence as follows:—

"As the rule of justice teaches us, that what concerns all should be by all approved, so it also indicates that common perils should be met by remedies provided in common." The dangers to which the realm was exposed are then set forth, and the writ concludes:—"Seeing, therefore, that your welfare, as well as that of the whole realm, is concerned, we charge you, on your loyalty and attachment to us, that on the day after the feast of St. Martin, you do attend," &c.

These writs were addressed not only to the nobles, the prelates, and the knights or lesser barons, but also to the sheriffs or bailiffs of about one hundred and twenty cities and towns. Each sheriff was directed "to cause to be elected, of his county, two knights, and of each city in that county two burgesses." And these were to meet, for the first time in the annals of England, "to provide against the

dangers which threatened the kingdom ;" and they were to be invested "with power from the communitates to do what the matter should require."

On this 27th of November, 1295, accordingly, there met this first complete parliament of England,—the first of a long series of free and fully-constituted parliaments,—"the archetype of all the representative assemblies which now meet, either in the old world or in the new\*." And, not unnaturally, the burgesses, now for the first time consulted on an exigency of the state, met the king's appeals and requests with even more warmth and liberality than either of the other sections of the parliament. The clergy granted to the king a *tenth*; the barons and knights an *eleventh*; but the burgesses gave him, without hesitation, a *seventh*. Such was the cordial response given to Edward by his people, on his frank appeal to them for support, in this, one of the great emergencies of his reign.

These "aids," granted to the king in the last month of 1295, enabled him to prepare with vigour for the important business of the following spring. To Gascony, as we have seen, he had despatched a considerable force. The coasts of Kent and Sussex had shewn themselves, for two years past, able to cope with all the power of Normandy. The chief point of disquietude, therefore, was in the north. Invasions of the northern counties by Scottish armies had been seen in former reigns ; and Edward had received full notice that such a step had been resolved upon by the faction which now bore sway in Scotland.

\* Macaulay, vol. i., p. 17.

To wait in London until the Scotch had ravaged Cumberland, would not have been the course of a statesman or of a general. Whether as friend or foe, Edward was always prompt, frank, and outspoken. He directed a parliament to be summoned to meet at Newcastle on the 1st of March, 1296, and to this parliament the Comyns, Baliols, Bruces, and other Scottish barons, would, as English lords, naturally receive summonses. Baliol, especially, not only as an English baron, but also as the chief vassal of the crown, was called to this meeting, there to perform his oath, sworn at that same Newcastle only three years and three months before, in which oath he had pledged his "faith and loyalty," to stand by Edward, and his successors on the throne of England, "against all men that may live or die."

Edward, as his manner was, would take care to proceed with strict regularity. But he could not feel any doubt, that it was a campaign rather than a parliament that he was about to open; and he had made his arrangements accordingly.

The king of Scotland, as Mr. Tytler remarks, was, at this time, "confined in a mountain fortress;" and the Scottish barons who had assumed the management of affairs, were busily engaged in the collection and organization of an army. All this would be known to Edward; and accordingly, finding that neither the king nor the barons made their appearance at Newcastle, he put his own forces in motion, and began to approach the Tweed.

Before, however, he could reach the frontier, tidings came that the Scotch had already, without any public warning, complaint, or declaration of war, actually invaded England. On the 26th of March, the earls

of Buchan, Menteith, Strathern, Lennox, Rosse, Athol, and Mar, with a force of about 40,000 men, broke into Cumberland, and ravaged the whole country with savage ferocity. The *Chronicle of Lanercost*, a record written at the time and on the spot, thus describes this invasion:—

“In this raid, the Scotch surpassed the cruelty of the heathen; for, not being able to seize upon the strong, they wreaked their vengeance on the weak, the decrepid, and the young. Children of two or three years old they impaled upon lances and flung into the air. Consecrated churches they burned; women dedicated to God they ravished and slew.”

This exhibition of savage ferocity, however, gained for the Scotch neither honor nor advantage. When they came before Carlisle, a place of some strength, “a handful of the citizens,” says Mr. Tytler, “compelled them to retreat with loss.” The only real result of this movement was a disastrous one for the Scotch. They had, by taking the initiative, decided Edward’s course. He was, throughout his whole career, “slow to strife;” but he was not likely to sit in silence while his realm was invaded and his subjects slaughtered. He had reached Berwick on the 30th of March, and there the intelligence reached him of the Scotch invasion of Cumberland, and of the cruelties they were perpetrating. His exclamation, on receiving this news, is characteristic of his noble mind:—“Blessed be God!” he exclaimed, “who hath, up to this time, preserved our hands blameless. But now, since they themselves have entered our realm in hostile array, we, under His guidance, will retaliate what they have done; and will return their mischief upon their own heads.”

Surely those who are fond of representing Edward as an ambitious and unscrupulous man, ought to hesitate when they see him, at a crisis like this, so manifestly anxious to be *right*; and feeling such relief of mind when the aggressions of the Scotch made his path perfectly clear.

He forthwith sent to those who held the command in Berwick, a summons for the surrender of the town on honorable terms. It was refused in the language of scorn. Edward accordingly took measures for an assault. He ordered his fleet to enter the harbor, while he should assault the walls. Three of his ships fell into the hands of the garrison, who instantly put every man to the sword\*.

But the avenger was at hand. Edward himself led the assault, and was the first to clear the ditch†. The English, animated by such an example, carried everything before them. The castle surrendered upon terms the next day; and thus one of the largest and most important towns in Scotland was gained in the first three days of the campaign.

Some of the Scottish historians have striven to tarnish Edward's fame by representing the storming of Berwick as a massacre. There is not the slightest ground for such an imputation. The carrying any town by storm must always be a dreadful operation,

\* Wyntoun, the Scottish chronicler, says,—

“ Of these they saved never a man.”

\* \* \* \* \*

For prisoners in such awhile,  
To kepe is dowte, and grete perille.”

† Peter Langtoft writes,—

“ What then did sir Edward? peer he had none like;  
Upon his steed Bayard first he won the dike.”

whether the town be St. Sebastian or Berwick ; but there was nothing to render the storming of Berwick worse than other efforts of the same kind\*. And the Scots had themselves already provoked severity. In their invasion of Cumberland, a few days previous, they had “killed all they found ; *sparing neither age nor sex:*” and in this very siege, when some English ships and sailors had fallen into their hands, they shewed no mercy.

While Edward was occupied with the repair and restoration of Berwick, the abbot of Arbroath was announced, who brought to him a message or letter from Baliol, renouncing his homage. But, as Mr. Sharon Turner remarks, “if Baliol had not become Edward’s liegeman, such a renunciation was unnecessary ; and if he were so, no liegeman could cancel his fealty without the consent of his lord. The renunciation was, therefore, evidence of its own absurdity.”

The Scotch chronicles, written long after, tell us that Edward exclaimed,—“Ah ! fool and felon ! of what folly is he guilty !” We may easily believe that he would receive such a communication with indignant contempt. He turned his face towards Edinburgh, and began his march towards that city.

Midway between Berwick and the present Scottish capital stood the castle of Dunbar. Its lord, the earl of that name, was with Edward ; but the countess, “hating the English,” called in, in her lord’s absence, some of the Scottish leaders, and put the castle into their hands. So important was the possession of this strong place considered to be, that the earls of Athol, Rosse, and Menteith, with several barons and

\* See Appendix G.

thirty-one knights, threw themselves into it, with a large force, hoping to maintain it against Edward's strongest efforts. The king, equally aware of its importance, despatched earl Warrenne, with 10,000 foot and 1,000 horse, to capture it if possible. The garrison, alarmed at his approach, sent to "the guardians of Scotland" for aid, and the whole Scottish army, of 40,000 foot and 1,500 horse, moved down to its support. The garrison, now confident of victory, insulted the English, as if already beaten. But the earl, says Mr. Tytler, "on the appearance of the Scottish army, at once advanced to attack it. On approaching the high ground, it was necessary to deploy through a valley, and the Scotch imagined they observed some confusion in the English ranks when executing this movement. Mistaking this for flight, they precipitately abandoned their position on the hills, and rushed down with shouts upon the enemy. But, instead of an enemy in flight, they found an army under perfect discipline, advancing upon their disordered columns. Having in vain endeavoured to regain their ranks, after a short resistance they were entirely routed. The victory was complete, and for a time it decided the fate of Scotland. Ten thousand men fell on the field or in the pursuit. A great multitude, including the principal Scottish nobility, were taken prisoners, and the next day, the king coming in person before Dunbar, the castle surrendered at discretion. The earls of Rosse, Athol, and Menteith, four barons, and seventy knights, submitted to the mercy of the conquerors\*."

Edward lost no time in following up his advantage.

\* Tytler, vol i., p. 116.

He sat down before the castle of Roxburgh, which was surrendered to him by James, the steward of Scotland ; Dumbarton castle was yielded by Ingelram de Umfraville ; Jedburgh castle followed ; and a considerable reinforcement arriving from Wales, Edward was enabled to dismiss to their homes part of his English army.

He now advanced to Edinburgh, where the castle surrendered after a siege of eight days ; then to Stirling, where a body of Irish auxiliaries joined him. At Perth he kept the feast of St. John the Baptist, creating new knights, with the accustomed festivities. Here messengers from Baliol found him, with letters announcing the Scottish king's submission. As Baliol had long been kept in durance by the rebellious barons, and as these were now, for the most part, prisoners in Edward's camp, we may reasonably suppose that this submission was one of the first spontaneous acts of the Scottish king on finding himself at liberty. Edward sent back, as his answer, a message signifying that he intended, in fifteen days, to proceed to Brechin, whither the now humbled king of Scotland might repair to meet him. Accordingly, on the 10th of July, Baliol presented himself at Brechin, acknowledged his offence, admitted Edward's right, and resigned the kingdom of Scotland into his hands, as a fief justly forfeited. Edward then assigned him the Tower of London for a residence, with the liberty of a circle of twenty miles round it. Here the de-throned king took up his abode, residing in London for the following three years, after which he was allowed to retire to his estates in Normandy.

On the 28th of August, Edward held a parliament at Berwick, where he received the fealty of the

clergy, barons, and gentry of Scotland. Multitudes of all ranks resorted to him,—earls, barons, knights, and esquires. “The oaths of homage, the renunciation of the French alliance, and the names of the vassals, which fill thirty-five skins of parchment, are still preserved among the English archives\*.”

Edward next directed his attention to the settlement of his new dominions ; and “the measures he adopted,” says Mr. Tytler, “were equally politic and just.” The jurisdictions of Scotland were suffered to remain with those who possessed them under ancient and hereditary titles ; no wanton or unnecessary act of rigour was committed, no capricious changes introduced ; yet all proper means were adopted to give security to his conquest. The earl Warrene was made guardian of Scotland, Hugh de Cressingham treasurer, and William Ormesby justiciary. The four castles of Roxburgh, Berwick, Jedburgh, and Edinburgh, were committed to English captains. A new seal, in place of the ancient seal of Scotland, was given to Walter de Agmondesham, the chancellor ; and an exchequer for the receipt of the king’s rents and taxes was instituted at Berwick, on the model of that at Westminster. The ancient coronation-stone of Scotland was removed from Scone and placed in Westminster Abbey, where to this hour it still remains.

Such, then, was Edward’s first conquest of Scotland. No one disputes the skill and talent displayed

\* Tytler, vol. i., p. 121. But sir Walter Scott says,—“Most of the noble and ancient families of Scotland are reduced to the necessity of tracing their ancestors’ names in the  *fifty-six* sheets of parchment, which constitute the degrading roll of submission to Edward I.”

by him. The only charge alleged has reference to the moral character of these transactions. Upon this point, therefore, it will be right to add a few words.

That the union of the several divisions of a great country, like England or France, into one power, is a desirable thing for the country itself, is self-evident. No one doubts that the union of Normandy with France, and of Scotland with England, furthered the interests of all these countries ; or that to sever, now, Scotland from England, or Normandy from France, would be disastrous to all the people of all these territories. It was both right and expedient, then, that the sovereigns of England and France should watch for opportunities of effecting such unions, whenever this could be done consistently with justice and honor. For such an end might be attained by lawful means ; as when Philip II. took Normandy from John ; or it might be attempted by fraud, as when Philip IV. essayed to take Gascony from Edward.

Was, then, Edward's conduct, in the acquisition of Scotland, marked by any kind of injustice or wrong ? Hume alleges that it was, charging him with "numerous acts of fraud and violence." But, instead of *numerous* acts of this kind, has any one act of either fraud or violence been proved ?

We are unable to find a scintilla of such proof. Going back to 1286-7, we find that the only charge brought against Edward up to that time is, that he *abstained* from interfering. Next, his proposal in 1289 is approved by all historians as wise and just and liberally framed. In 1290 he attempted no interference until the chief men in Scotland earnestly besought his interposition. Their approaches to him had all the aspect of appeals to a superior lord ; and

he could hardly understand them in any other sense. He accepted them as such, and plainly told the Scottish barons that it was in this character that he came among them. After some hesitation, they accepted him as "lord paramount," and in this character swore fealty to him.

Scotland had now a king, but both king and people had paid homage to Edward, and had acknowledged his supremacy. Soon after, a Scottish earl lodges an appeal against one of Baliol's decisions, and calls upon Edward to do him justice. Edward proceeds, in the ordinary discharge of the duties of his office, to hear this appeal; and for so doing, heavy complaints are brought against him; yet in taking this course, he was guilty, in reality, of no offence whatever. Nevertheless, upon no other ground than this did Baliol and the Scottish barons deliberately break their oaths, ally themselves with Edward's enemies, and raise an army for the invasion of England.

By all the laws of feudal sovereignty at that time known, they had by this act incurred the penalties of perjury and treason; and, by their invasion of Cumberland, they had commenced a war against their acknowledged lord. They rashly appealed to arms, and defied the power of England, wielded by the first captain of the age. They were overthrown, even before the waning of a single moon. But here, as everywhere, Edward's clemency is the most remarkable feature in the case. Not Baliol only, but all those who had forced him into this war, were justly exposed to the loss of property, if not of life. Yet, the contest once ended by Baliol's resignation, all that remains, on Edward's part, is a willing amnesty, and a ready forgiveness.

## CHAPTER THE NINTH.

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### THE WAR WITH FRANCE—AND VARIOUS TROUBLES AT HOME.

A.D. 1297.

EDWARD had now, apparently, achieved a great and important object,—returning, in the autumn of 1296, to his palace of Westminster, the undisputed sovereign of both islands, and of all the territories contained within them. But his fifty-ninth year, to which he was now approaching, was destined to prove one of the most trying and difficult conjunctures of his life. He had established his dominion over the whole realm ; had frustrated one of Philip's main designs, by crushing the Scottish rebellion ; and was now at leisure to deal with that monarch on the soil of France itself. But, as each month of 1297 passed along, it brought with it some new peril ; until, before the year had closed, a series of troubles and perplexities had so accumulated around him, that few men but himself could have forced their way through so many difficulties.

In dealing with France, Edward felt the disadvantage of his position, arising from the distance of Gascony from England. To convey an army to that country, of force sufficient to reconquer the province, would have exhausted both the treasure and the military strength of England ; while, at the same time, neither Wales nor Scotland were in so tranquil

a state, as to encourage him to undertake such an enterprise. With his usual sagacity, therefore, Edward preferred to assail France on its northern frontier, in the hope of so threatening both the capital and Normandy, as to force Philip to relinquish his hold upon the Gascon province. On the side of Flanders, too, Edward could obtain several allies ; and its nearness to England rendered the conveyance of both men and stores less difficult and less expensive. For all these reasons, Edward had determined, in the course of 1296, to endeavour to form a league, between himself, the earls of Flanders, Holland, and Luxembourg, and the duke of Austria, for a combined attack upon France on its north-eastern frontier.

But all schemes of this kind,—and England has seen many of them,—inevitably tend to one result,—a subsidy. None of these princes were disposed to go to war with such a kingdom as France, except they were assisted in their preparations by a liberal supply of English money. Having formed the desired confederacy, therefore, Edward was next obliged to call together his parliament, and to appeal to them for a supply. The barons, without difficulty, granted him a twelfth ; the burgesses, an eighth. But when the king's representatives made their application to the prelates and clergy, an unexpected difficulty at once shewed itself.

Boniface VIII., the reigning pope, and Winchelsea, the primate, were men of vigorous and aspiring minds ; and they evidently desired to tread in the steps of Hildebrand and Thomas à Becket. They believed that they saw the king of England in circumstances of difficulty, and that an opportunity

was thus afforded, for advancing a new claim on behalf of the church.

Edward had undoubtedly begun to press with increasing weight upon the resources of the clergy. Nor was this at all surprising. His own necessities were now great, and the wealth of the church had long been visibly and rapidly augmenting. "The possessions of the clergy," says Dr. Henry, "never diminishing, but daily increasing, were now swelled up to an enormous bulk, and threatened to swallow up the whole lands of the kingdom." It has already been remarked, that in the single reign of Henry III., as many as eight or nine of our splendid cathedrals were built or greatly enlarged; and during the same period, no fewer than *one hundred and fifty-seven* abbeys, priories, and other religious houses, were founded.

Of all this wealth, the court of Rome took care to demand and to obtain a large proportion. Sometimes the pope required a tenth, sometimes a fifth, and once, as much as one half, of all ecclesiastical incomes. In a few years, in the transactions connected with the crown of Sicily, the pope was computed to have drawn from England, no less than nine hundred and fifty thousand marks, equal, according to the values of the time, to above *nine millions* of our present money. In a subsequent reign, in 1376, the commons represented to the king, "that the taxes paid to the pope, yearly, amounted to *five times* as much as the taxes paid to the crown." Rome, then, depending so largely on the supplies received from England, would naturally look with jealousy on the increasing demands of the crown, which must inevitably come into competition

with those which she herself was accustomed to make.

Winchelsey, the primate, was a man of great ability; and Boniface was eminent among the popes. It may be difficult, at this distance of time, to determine with which of these two the idea originated, but the fact is certain, that just at this moment, when Edward needed and expected a large supply from the church, the primate produced a bull, or mandate from the pope, "forbidding the clergy to grant to laymen any part of the revenues of their benefices, without the permission of the Holy See."

This was a sudden and a startling blow. By a few words the king saw the whole treasures of the church,—his main reliance,—shut up and sealed from his touch. He had asked of the clergy a supply of "a fifth." His commissioners appeared in the convocation for a reply. The archbishop rose and said,—"You know, sirs, that under Almighty God we have two lords, the one spiritual, the other temporal. Obedience is due to both, *but most to the spiritual*. We are willing to do everything in our power, and will send deputies at our own expense to consult the pontiff. We entreat you to carry this reply to the king; for we dare not speak to him ourselves."

It was clear, that, to submit to this novel claim to exemption, would be to prostrate the royal authority at the feet of the papal. Already had the pope claimed and exercised a co-ordinate power with the crown, in taxing ecclesiastical property, now rapidly becoming a large proportion of all the property of the realm; but he here asserted his sole and supreme power over the whole. In future, the king was to receive aid

from the clerical body, only when, and so far, as the pope granted his permission.

With either of the two preceding sovereigns, such churchmen as Boniface and Winchelsea might have prevailed, and so a foreign sovereignty of the most disastrous kind might have been established in the realm. But, happily, England had, at this crisis, a ruler equal to the emergency,—a sovereign whom even those historians who are prejudiced against him\*, admit to have been a “great statesman,” “the model of a politic and warlike king.”

With his usual firmness and sagacity, he took, without delay, the most effectual and straightforward course to suppress this new kind of mutiny. Comprehending, at a glance, the mutuality of the obligations of the ruler and the subject, he at once decided that those who refused to bear their share of the public burdens, could have no right to appeal to the protection of the guardians of the public peace. A deputation of the prelates waited on him at Castle Acre in Norfolk, to acquaint him with their determination, and to explain the reasons for it; to whom he at once declared, that “since the clergy had broken their allegiance to him, by denying him that assistance which by the tenure of their estates they were bound to pay, he would no longer feel any obligation to protect them, or to execute in their favour, laws to which they refused to submit.” At once, therefore, “he consulted the lay peers, and issued a proclamation of outlawry against the clergy, both regular and secular,”—escheating their lay fees, goods and chattels, to the use of the crown. And, as Edward was

\* Mackintosh, Hume, &c.

always frank and outspoken, his chief justice, sir John Mettingham, publicly announced from the bench in Westminster Hall,—“ You that appear for the archbishops, bishops, or clergy, take notice, that in future no justice is to be done them in the king’s court, in any matter of which they may complain. But, nevertheless, justice shall still be done to all manner of persons who have any complaint against them.” “ So bold a step,” says Rapin, “ astonished the clergy, who, since the beginning of the monarchy, had never experienced the like resolution in any king of England.”

We are now at the opening of the year 1297. The strong measures of the king quickly carried confusion into the ranks of the ecclesiastical confederacy. The archbishop of York, with all his diocese, and the bishops of Durham and Carlisle, soon made their peace with Edward, and paid their “ fifth.” It was not long before the bishops of Norwich, Ely, Lincoln, and Worcester, followed their example. Winchelsea vainly thundered his sentence of excommunication against all who should disobey the mandate of the pope. The sentence of outlawry proved to have the greater force. Tenants refused to pay rent; horses were seized on the highway; and the law, meanwhile, repudiated all claims of the ecclesiastical mutineers to avail themselves of its protection. The inevitable result of such a state of things soon shewed itself. The clergy, and especially the wealthier of them, rapidly fell off from the archbishop; and sought and obtained the king’s pardon and protection.

But this ecclesiastical rebellion had been only the beginning of troubles. Suppressed though it was, it led to fresh difficulties of another kind. The large and greatly-needed supply, upon which the king had

reckoned, was withheld: and it now came in only slowly, and in fragments. The "aid" granted by parliament required the customary time for its collection. Meanwhile, Edward had pledged himself, both to pay large subsidies to his allies in Flanders, and also to bring over a considerable body of troops. These promises he was now endeavouring, as was his wont, strictly to perform.

But now appears in England, for the first time, a parliamentary opposition. Hume and Hallam award great praise to the earls of Hereford and Norfolk, for their firmness and patriotism in daring to withstand the king; but they forget to give any credit to Edward, for having introduced that parliamentary system into England, which made such an opposition possible. It is abundantly clear, that the earl of Norfolk disliked the French war in 1297, just as the duke of Norfolk disliked the French war in 1797; and probably each could have assigned very plausible reasons for his dislike. The important fact, however, is, that alike in 1297 and in 1797, both of these noblemen were left at liberty to oppose the war, and both of them did oppose and obstruct it,—the one in the thirteenth century, the other in the eighteenth,—without incurring any loss of life or property for so withholding the king's views.

There is no reason to doubt, that the king had the popular feeling with him. Even in the present day, when peace is so greatly valued, and when considerations of "utility" govern so many, the news that Spain had surprised and taken Gibraltar, or that France had suddenly seized upon the Channel Islands, would light up a flame of indignation, and raise a

cry of war throughout the realm. How was it to be expected, then, that in the days of chivalry, the gentry and burgesses of England could hear of the fraudulent seizure of such a province as Gascony, without generally sympathizing with their sovereign's indignation ?

Still, wherever men are free, differences of opinion on all conceivable questions will shew themselves ; and we find from the records of the time, that the earls of Norfolk and Hereford did not heartily concur with the king's views. And, as we have said, Edward had always conducted his affairs in such a frank and open manner, as to give full play to the expression of all such differences of opinion. Whenever any great public question required solution, his first step always was to summon a parliament. And when the dissentient party had thrown all possible obstructions in the way, we next hear of the king's writing to the earl of Hereford, or the earl of Norfolk, that he desires "to have a private *colloquium* with him."

In the present instance, Edward resolved to meet his parliament, for the final decision of all questions concerning the war, at Salisbury, on the 25th of February. Meanwhile, however, pressed by the various and urgent demands upon him, he had begun to take measures of a kind which always create a certain amount of discontent. He laid new and heavy imposts upon wool, and he called upon the sheriffs of all the counties to provide for him a certain quota of wheat, &c. We do not suppose that there was anything in these measures which materially differed from the practice of modern wars ; but it is evident

that such claims and demands would often occasion inconvenience, and excite displeasure\*. The great men of the realm, as well as the merchants and farmers, would feel these requisitions, and some of them, doubtless, brought their irritated feelings into the discussions in parliament.

The earl of Norfolk was the high marshal, and the earl of Hereford the high constable, of England. Edward, purposing himself to go into Flanders, wished to commit the charge of a distinct force for Gascony to these two earls ; but they objected to undertake this charge, alleging that their offices only bound them to attend the king's person in his wars. Chafed at this backwardness, the king, always excitable, grew angry, and is reported to have said, that they should either go or hang. To which Norfolk rejoined that " he would neither go nor hang †." The constable and marshal after this withdrew, followed by a large body of knights, their retainers.

We know not much of the other proceedings of that parliament. The king was evidently in a position of great difficulty. Opposed by a large body of the clergy, and now opposed also by two of the greatest earls in the realm, he had still the war with France on his hands ; and from it he could not in honor withdraw. Surely we might rather expect the

\* Among the writs of that time, we find many addressed to the sheriffs of counties, wherein the king " requests you to advise and take order how you can assist him with one thousand quarters of wheat; for which he will pay you punctually at Midsummer next."

† Hemingford says,— " Exiratus Rex prorupit in haec verba, ut dicitur, ' Per deum, comes, aut ibis aut pendebis.' Et ille, ' Per idem juramentum, O Rex, nec ibo nec pendebo.' "—See Appendix H.

sympathies of Englishmen to be with the king, in this critical juncture, than with the two dissentient earls. Edward, in resisting the wrong done to him by Philip, was merely discharging a plain duty. How, then, can it be deemed "patriotism" in these two great nobles to desert their sovereign in this emergency, and even to throw obstacles in his path?

It seems tolerably clear that the discussions at Salisbury were prolonged, and that the secession of Hereford and Norfolk obliged the king to abandon his purpose of sending a fresh expedition to the relief of Gascony. The 7th of March found the king still at Salisbury, and on that day Winchelsey paid him a visit in that city. It was so much the king's habit to have his opponents "face to face," that it seems most probable that the archbishop waited on him there at his own desire.

The king, when the archbishop arrived, was attending the service in the cathedral. When this was over, Winchelsey had a private audience, the king desiring him to say freely what he would. The archbishop spoke at some length, and was heard patiently and without any interruption. The king, in reply, told him that "if the pope himself had any temporal possessions in the realm of England, he believed that he, the king, might lawfully take of them for the defence of his realm and of the church of England." He added, that "this was a cause in which he could dare to die; since he felt that he was doing nothing unlawful, but was obeying a dire necessity which lay upon himself and the kingdom." Surely, in the frankness, the wisdom, and the calm resolution of the king, there is nothing wanting of the characteristics of true nobleness of mind.

No actual reconciliation then took place, the primate being unwilling to abandon his ground, and the king being resolved never to relinquish his. But Winchelsea promised to send messengers of his own to the pope ; and the king, at his request, promised to shew leniency to those of the clergy who had committed themselves on the papal side. On the 25th of March a synod was held at St. Paul's, in which no positive resolution was adopted ; but the archbishop, and those bishops who acted with him, agreed to connive at those of the clergy who should make their peace with the king, although, in so doing, they disobeyed the pope ; and Edward, in April, began to shew mercy to those of the recusant clergy who had published the bull in defiance of his orders, and who had been imprisoned for that offence. In May and June he was occupied in assembling his troops, and in providing a sufficient naval force. On the 8th of July the military tenants of the crown were summoned to meet in London to do their accustomed suit and service. The high constable and marshal attended ; but as they had objected at Salisbury to go to Gascony, because the king did not propose to accompany that expedition, so now they objected to go with the king to Flanders, because, as they said, they could not find that any of their ancestors had ever performed any service in that country.

The absurdity of this plea was self-evident. It assumed that the king must not make war in any country except those in which his ancestors had made war. Evidently these two earls had no stomach for the war on any terms. Doubtless they were at liberty to form their own opinion of its expediency or inexpediency, and to a certain extent to act upon it. But it is impos-

sible to help forming a low opinion of the patriotism of two great knights, who, when such a captain as Edward was embarked in a national contest, could leave him to fight it out without their aid. But so it was : they begged the king to appoint other officers in their room. Edward, therefore, named Thomas de Berkeley as substitute for the earl of Hereford, and Geoffrey de Geneville for the earl of Norfolk. In thus tolerating the conduct of these two earls, the king shewed that self-control and practical wisdom which distinguished him through life. But he was about to go much further. He was on the point of quitting home, to open a war, the length and the difficulties of which he could not foresee. He desired, therefore, to leave England, as far as possible, an united and peaceful kingdom during his absence. With this view, having broken up the ecclesiastical confederacy, he announced to Winchelsea and his followers an amnesty for the past, with a pardon for all who were suffering any penalties for their recusancy. And to make his desire for peace and harmony as manifest as possible, he convened a large assembly in, or at the entrance of, Westminster Hall. Here, on the 14th of July, the king presented himself on a raised platform, accompanied by his son, then in his fourteenth year, the archbishop, the earl of Warwick, and other lords. He then addressed the assembly, first alluding to the burdens which, in the preparation of his armament, he had been obliged to lay upon them. "He owned that these burdens were heavy ; but declared that it had been as painful for him to impose those burdens, as it must have been for them to bear them. He had taken a part, in order to secure the remainder. His sole object was, to pro-

tect the country from its enemies, and from those who sought its ruin." "And now," he added, "I am going once more to face the dangers of war for England's sake. If I return, receive me again as you have received me to-day, and I will make you full amends. If not, here is my son; place him on my throne, and his gratitude will reward your fidelity." Edward could not conclude without visible emotion; the archbishop was equally affected; and the whole assembly, with outstretched hands, vowed unshaken fidelity\*.

A fortnight after, a great council was held, at which the king openly received the archbishop to his favor, and nominated him one of the council to the young prince, to whom he then desired all present to take an oath of fidelity as the heir to the kingdom. But Edward's generosity and wish for peace never overcame his judgment. At a synod held on the 10th of August, the prelates craftily desired the king to grant them "permission to send to the pope *for his license to grant the king an aid.*" Edward at once refused to be any party to that which would have implied his assent to the papal claim. But he continued to treat the clergy with mildness; and shortly after took leave of the primate, and left the metropolis for Winchelsea, at which port his armament had now assembled.

At this place, in the middle of August, he received from the two earls and their adherents, a remonstrance, in which they alleged,—"1. That they conceive that they ought not to be called upon to do service in Flanders, (for the reasons which we have already

\* Matthew of Westminster.

described.) 2. That they have been aggrieved and impoverished by the talliages, aids, and requisitions already levied. 3. That *Magna Charta* has not been properly observed. 4. That the Charter of Forests is also violated by the king's officers. 5. That they are aggrieved by the tax on wool. And, lastly, desiring the honor and safety of our lord the king, it does not seem good unto them that he pass over into Flanders."

This last clause explains all the rest. What the actual feeling or opinion of the two earls really was,—whether they were prepared to let France defraud England of her fairest foreign possession,—we know not; but it is quite clear, that, either on principle, or from views of expediency, they disliked the war with France. And, disliking the war, it was natural that they should still more dislike the heavy requisitions, aids, and talliages, which that war rendered necessary. One main feature of the case however, is, the tolerant and reasonable nature of Edward's government, which now, for the first time, allowed questions such as these to be discussed; first, in parliament, and then, by a public correspondence. For the king, receiving this public manifesto, disapproving his policy, expressed no anger at it. On the contrary, he received and treated it with more tolerance than would be shewn for a similar document in France at the present day. To the messengers who brought him the earls' remonstrance, he answered, with calmness, that he had not his council with him, and could not, in their absence, reply to matters of so great importance. That he should have been better pleased if the remonstrants had gone with him; but since they would not, he trusted that they would raise no disturbance

in his absence. Before he embarked, however, he took care to reply to this remonstrance in the most public and emphatic manner. A royal declaration was drawn up, and sent to the sheriffs of all the counties for publication. In this document the king recounts the various steps of the disobedience of the two earls ; and then repeats the apologies and assurances which he had made at Westminster Hall. He declares, that “he grieves that he should so burden his people ; and promises, that if he should return, he will amend all things as he ought ; and if not, he will desire his heir to do so. For he knows well, that no man is so much indebted to the people, or so much bound to love them, as he himself. But there is great necessity for him to go to the assistance of his ally, the earl of Flanders ; and his going over is of immediate consequence, by reason of the danger which his friends are in ;—whom, if he should lose, the kingdom might be in great jeopardy.” He ends with a desire that his people would pray that his voyage might be prosperous, and have a good result, to the honor of God, and the good of the realm ; and that a durable peace might follow.

Having issued this, his public reply to the objections of the two earls, the king, on the 22nd of August, sailed, carrying with him 500 ships, in which were 1,800 knights and a large force of infantry. But he could scarcely have landed in Flanders, before great events occurred both in England and in Scotland ;—events which concurred with disappointments abroad, to induce him speedily to prepare for his return home.

In the course of the summer, various rumours had reached England, of a spirit of insurrection

which had shewn itself in Scotland, and of various successes in partisan warfare which had been gained by a leader named Walleys, or Wallace. Twice or thrice had Edward written to Scotland, to desire his representatives there to suppress these disorders without delay. Had it not been for his engagements with the earl of Flanders, there can be no doubt that he would himself have returned into the north, and have stopped the progress of these troubles in the summer of 1297. But his engagements bound him to appear in Flanders ; and he was obliged, therefore, to neglect the warnings of the two earls, who told him, that the Scotch, having begun to rebel, would do so with the more boldness when they heard of his departure.

The English must have disembarked in Flanders at the end of August or beginning of September ; and it was in the early part of the latter month that the folly of Cressingham, the treasurer of Scotland, gave Wallace the victory of Stirling ; and thus nearly destroyed in one hour all the great results of Edward's campaign of the preceding year. The news must have reached London by the middle of September ; and the young prince found it necessary immediately to summon a parliament, to consider what steps it would be expedient to take.

Norfolk and Hereford now saw an opportunity offered them, of a more favorable kind than they could have anticipated. The peril of England was manifest, and all men would feel that union,—the union of all her leading men,—was so desirable, that no slight difficulty could be allowed to stand in the way. The two earls attended the parliament, having first demanded some guarantees of safety. Their

claims were not exorbitant ; and we are not entitled to lay to their charge more factious purposes or conduct than has often been seen in opposition-leaders in modern times. The chief grievance which they desired to have redressed was, the practice to which Edward had latterly been obliged to resort, of levying aids or talliages without consent of parliament. This, however, was no new claim set up by the crown. Mr. Hallam remarks, that “ hitherto the king’s prerogative of levying money, by name of talliage or prise, from his towns or tenants in demesne, had passed unquestioned.” Edward, then, in his hour of need, had merely resorted to an old prerogative of the crown ; and the earls, in demanding the surrender of this prerogative, were claiming a large and important concession from the sovereign to the people.

Some writers have awarded a large meed of praise to the two earls, for their courage and patriotism in wresting such a concession from such a king. But it should be remembered that Edward himself was *absent* when the two earls are said to have shewn so much courage ; that his return was uncertain and improbable, and that the exigency of the state, from the Scottish rebellion, was such as to render it impossible that any reasonable request should be denied. It should also be added, that the two earls, who are praised for their courage, took care to send over for Edward’s signature, along with the charter, an act of grace, securing their own full pardon for what they had done. It would have been a better, and a more befitting proof of courage, had they, after preferring their request or demand, proceeded to raise a few thousand men, and to chace Wallace out of Cumber-

land, where all this autumn he was committing the most fearful ravages.

However, the demands of Norfolk and Hereford were immediately conceded. On the 10th of October the parliament at Westminster framed a new confirmation of the charters, with fresh clauses prohibiting the levying of talliages or prises, without the assent of the prelates, barons, knights, and burgesses;—and another statute or order, whereby the king granted a full pardon to the two earls, “for all manner of offences which they may have committed.” These statutes were sent over to the king, and within three days they were signed by him, and returned. Some historians have actually argued, that this short delay in the adoption of so important a measure, is to be taken as manifesting Edward’s great reluctance and his “many internal struggles!” On this concession, however, the laity granted the king an aid of an eighth, the clergy of Canterbury, a tenth, and the clergy of York, a fifth.

But it is time that we turned to the state of affairs in Flanders. This expedition, and this war, proved one of the most fruitless efforts of the king’s life. A regard to his own pledges and obligations carried him there, at a time when it would have been far more desirable for him to march into Scotland;—a *disregard* of their pledges and obligations on the part of his allies, made all his efforts and sacrifices nugatory. “All Edward’s measures in Flanders,” says Rapin, “were broken by the treachery of his allies, who forsook him after taking his money.” “His embarkation,” says Hume “had been so long retarded by the various obstructions thrown in his way, that he lost

the proper season for action." He was merely able to stop Philip's career; and Philip, finding his resources exhausted, and dreading a reverse, began to wish for an accommodation; which Edward, disgusted with his faithless allies, and anxious about the state of Scotland, was quite willing to agree to. On the 23rd of November, therefore, a truce for two years was agreed upon; and shortly afterwards Edward directed writs to issue to the earls and barons of England, calling upon them to meet him at York, on the 14th of the following January.

## CHAPTER THE TENTH.

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WALLEYS, OR WALLACE.

A.D. 1297—1298.

THE present chapter will include some important events ; but it need not extend to any considerable length. It will be devoted to a sketch of the public life of William Walleys, or Wallace, which occupied the space of just fourteen months.

The story of Wallace, like that of Arthur, or of Robin Hood, has been so enveloped in the brilliant haze of romance, as to make it apparently difficult to distinguish the facts of his life, from the fictions which gathered round his history. But a little calm investigation dispels the difficulty. The real history of Wallace may be found in the chronicles or other writings of ten or twelve English annalists who lived in his own day. The romantic traditions which were cherished by the Scotch, never saw the light, in written form, until the days of “Blind Harry,” who lived nearly two centuries after. This wandering minstrel may be of some little use, when he enlarges or illustrates the records of the thirteenth century ; but when he gives us marvels which are altogether at variance with the unquestionable facts of authentic history, his rhymes must take their place among other old romances\*. The chief thing to be re-

\* Major, the Scotch historian, thus describes “Blind Harry:”—  
“Henry, who was blind from his birth, in the time of my in-

gretted is, that while no modern Scottish historian would venture to pin his faith on Blind Harry's stories, most of them, perhaps unconsciously, borrow something from him. Thus, even Hume tells us, that Wallace had "through a course of *many years*, with *signal perseverance*, defended the liberties of his native country." The fact being, as we have already stated, that Wallace's whole public career was included within a space of fourteen months. To put this beyond any doubt, we shall state the facts in the very words of various Scottish writers.

(1) Wallace appeared on the stage in May 1297.

fancy, (about 1470,) composed the whole *Book of William Wallace*; containing the things which were commonly related of him. By the recitation of these he obtained food and raiment. For my own part, I give only partial credit to writings of this description."

Two or three samples will shew that Major was quite right in giving "only partial credit" to Blind Harry and his traditions.

1. Blind Harry begins with Wallace's discontent with Edward's rule over Scotland; and says that he was then eighteen. He then conducts him through many wonderful adventures for twenty-seven years, and at the time of his death states his age as being forty-five. Whereas history asserts, with perfect certainty, that Edward's first conquest of Scotland took place in 1296, that Wallace was never heard of till 1297, and that his execution took place in 1305.

2. Blind Harry makes Wallace fight seven or eight battles. History, represented by ten or twelve writers of Wallace's own time, knows of only two.

3. Blind Harry makes the queen of England, after the battle of Stirling, seek Wallace, and fall at his feet to ask for peace. History says, that there was no queen in England at that time, nor for two years after.

4. Blind Harry then sends Wallace to France, where Philip receives him gladly, and makes him "duke of Guienne." History says, that Philip put him in prison, and sent to Edward to offer to transmit him as prisoner.

*The Wallace Documents*, published by the Maitland Club in Edinburgh in 1841, tell us, that "he first appears in May 1297." In Chalmers's *Caledonia* we read, "Wallace began his operations in May 1297." In Macfarlane's (*Pictorial*) *History of England*, it is stated, that "Wallace is first mentioned in May 1297." On this point, therefore, no controversy can exist.

(2) His career closes, as a public man, in July 1298. After this, we hear of him, once or twice, as a fugitive; and at last, as a criminal on the scaffold; but no one act is recorded as having been done by him after this month of July in 1298. So confesses Mr. Tytler in his Scottish history, where he tells us, that "his name does not recur in any authentic record as bearing even a secondary command in the wars against Edward; nor, indeed, do we meet with him in *any public transaction*, until his execution, eight years after\*." And in the *Wallace Documents* of the Maitland Club, it is admitted, that "immediately after the defeat which he sustained at Falkirk in 1298, *he disappears from history*, and no traces of him are found until a very short time before his execution in 1305." It is, therefore, a fact quite beyond any dispute, that the whole history of Wallace, previous to his execution, is a history comprised within fourteen months.

Wallace was of Welsh extraction. One of the same name, "Henry Walleis" or "Walleyes," was mayor of London in 1284, and again in 1298. "The name of Walleyes or Walleis," says the editor of the *Wallace Documents*, "simply designates any native of the ancient kingdom of Wales." His name, in a

\* *History of Scotland*, vol. i., p. 165.

charter still in existence, is given as "Willelmus Walays." In his sentence it is "Willelmus Waleis." Still, it seems probable that his family had been settled for more than a century in Scotland; and hence he might have a better claim to call it "our country" than Bruce, who was, in fact, an Englishman.

The father of Wallace was a small proprietor in Elderslie. He was the second son, and "got the five-pound land of Elderslie\*." "He was," says Mr. Tytler, "neither rich nor noble" (p. 124). And William himself, being also a younger son, had probably but small occupation and small means. He is described by his panegyrist as a frequenter of fairs and markets. "His make," says Mr. Tytler, "approached the gigantic; his passions were violent, and a strong hatred to the English began to shew itself."

It is thus that partisan-chiefs and guerilla leaders are usually formed. Great strength, violent passions, leisure to cultivate the use of arms, and discontent nourished by poverty and idleness; such, in nine cases out of ten, are the qualities and circumstances which produce a rebel chief.

A market brawl, in which Wallace slew an Englishman, soon made him obnoxious to the authorities, and drove him to the woods. He now began to indulge his hatred to the intruders, by systematic attacks upon them, as opportunities occurred. His panegyrist says :—

"Where he found one out of others' presence,  
After, to Scots, they did no more offence;  
To cut his throat, or stick him suddenly,  
He cared not; found he them anerly" (alone).

And the minstrel's chapters are often thus headed,— “How Wallace slew young Selby;” “How Wallace slew lord Percy's servant;” “How Wallace slew the buckler-player.” Mr. Tytler says:—“He was driven to seek safety in the wilds and fastnesses. Here he collected, by degrees, a little band of men of desperate fortunes.” “In his attacks on straggling parties of the English, he was generally successful. Confidence came with success, and multitudes flocked round the standard of revolt\*.” “Wallace and his men lived by plunder; retreating when pursued to the woods and fastnesses; whence they again issued forth to attack the English convoys. All the soldiers who fell into their hands, were *instantly put to death*.” “Great numbers of the English were openly massacred in almost every district beyond the Frith of Forth†.”

Of one of these rencontres, the blind minstrel thus speaks:—

“Wallace commanded they suld no man save;  
Twenty and two they stickit in that steid.”

Mr. Tytler adds,—“It was not uncommon for them at these times to drive before them troops of aged priests and nuns, whose hands were tied behind their backs; and while the brutal soldiery and their hard-hearted leaders sat on the bridges, these unhappy wretches were cast down headlong, or compelled to precipitate themselves into the stream, while their drowning agonies were the subject of savage derision‡.”

These atrocities are recorded by Knighton and Trivet, two historians who lived at the time, and

\* *History of Scotland*, vol. i., pp. 126, 127.

† Tytler's *Scottish Worthies*, pp. 172, 184. ‡ *Ibid.*, p. 186.

Knighton adds, that he had received the description from the lips of a priest, who himself had been present at, and managed to escape from, one of these massacres.

Thus establishing a “reign of terror,” Wallace and his followers were rapidly clearing the country of the English; those who could not find safety in some fortified place, naturally taking to flight. News of these troubles reached England in June and July; but Edward had pledged himself to his allies to join them in Flanders, and to turn northwards instead, would have been a dishonorable abandonment of his friends, and a breach of his deliberate engagements. He could, therefore, only write to Earl Warrenne, urgently and repeatedly, to collect a force, and to put down these disturbances,—spending, if needful, the whole revenues of Scotland in this duty.

But Cressingham, the treasurer of Scotland, an arrogant and unpopular man, despised the insurgents, and thus brought on a terrible defeat and loss. The forces of Wallace continued to increase, and towards the end of summer, one name of note was added to his array. Sir William Douglas,—who had been governor of Berwick, and who had, on the surrender of that place, been “readily admitted to the king’s peace,” receiving his liberty and a new grant of his estates, and swearing fealty to the king,—was the first man in Scotland to set the evil example of a disregard of a solemn oath. This perfidy and treachery subsequently spread, and became so common in Scotland, as to drive the king, towards the close of his life, into a state of absolute exasperation; leading him to abandon that mild and generous

policy, which, for the first thirty years of his reign, he had followed.

As August passed on, the followers of Wallace grew into an army, and he held possession of the open country, no English power north of the Forth being in the field against him. Earl Warrenne, however, had now collected a force of about 40,000 or 50,000 men in the southern counties, and on the English border ; and was marching northwards, in search of Wallace and his followers. At the beginning of September, the two armies approached each other, in the neighbourhood of Stirling. Wallace's force is stated to have been nearly the same as that of the English army. Such was the overweening confidence of Cressingham, that when lord Henry Percy brought up an additional body of 8,000 men, the treasurer dismissed them, as unnecessarily adding to the strength and to the expenditure of the army. It is evident that that same confidence of success which ruined the French armies at Crecy and Agincourt, was now leading the English commanders to destruction.

The Scotch army occupied a good position on the northern bank of the river ; awaiting, as policy evidently suggested, the English attack. A narrow bridge spanned the river at that point, and offered the only visible means of crossing to the opposite bank. A Scottish knight, sir Richard Lundin, who knew the country, and rode by the earl's side, exclaimed to him,—“If you attempt to cross the bridge, you throw away your lives ! The men can only pass over by twos, and the Scotch command our flank, and will be instantly upon us. I will shew you a ford, where you may pass by sixty at a time ; give me five hundred horse, and I will secure it.”

Nothing else than fatuity could have disregarded such counsel. But Cressingham, contemptuous and overweening, exclaimed to the earl,—“Why do we waste time; let us pass on, as becomes us, and do our duty!” The earl, nettled at this imputation of backwardness, gave the order to advance. As might have been expected, the result was disastrous. The Scotch allowed a considerable body of the English to pass, and then, while they were thus separated from the main force, and endeavouring to form, a fierce attack was made, and in an instant all was in confusion. One part of the Scotch army seized the bridge, while another part was engaged in the slaughter of the disordered English. Many of these leaped into the river and were drowned. Cressingham was among those who had crossed. “His body,” says Mr. Tytler, “was mangled; the skin torn from the limbs, and in savage triumph cut to pieces.” Wallace himself ordered as much to be reserved for him as would make a sword-belt.

The English were thus sacrificed to the folly of one man, who did not survive to bear the blame. One knight only is recorded to have distinguished himself:—Sir Marmaduke Twenge, one of those who had crossed the river, was urged by a companion to throw himself into the stream, in order to escape. “What,” exclaimed he, “volunteer to drown myself, when I can cut my way through them all!—never let such foul slander rest on us!” “But alas for me!” said his friend, who was on foot, and saw no such possibility of escape. “Leap up behind me,” said Twenge; and so burdened, he gave his horse the spur, drove him through the midst of the enemy, and rejoined his friends in safety.

Earl Warrenne, though brave, and inured to arms, seems to have been an impulsive man, who, under defeat, lost all self-control. We have already observed his flight from the battle of Lewes. And now, in like manner, horrified at the massacre which he beheld on the opposite side of the river, and unable to remedy his fault, he gave the command of the retreat to sir Marmaduke, and rode off to Berwick. This sort of panic was even more disastrous than his previous rashness; for in those days the flight of the general implied the dissolution of the army.

The English chroniclers state the loss of the English at 5,000 infantry and 100 horse; but, in effect, when the earl had left it, the army was disbanded. And so soon as the fate of the day was decided, *but not before*, "the earl of Lennox, and the steward of Scotland," says Mr. Tytler, "*threw off the mask*, and led a body of followers to destroy and plunder the flying English."

Sir Walter Scott, with his usual talent and perspicuity, thus describes the battle of Stirling:—

"The earl, an experienced warrior, hesitated to engage his troops in the defile of a wooden bridge, where scarce two horsemen could ride abreast; but urged by the imprudent vehemence of Cressingham, he advanced, *contrary to common sense*, as well as to his own judgment. The vanguard of the English was attacked before they could get into order; the bridge was broken down, and thousands perished in the river, and by the sword\*."

Such was the battle of Stirling,—the only victory

\* *History of Scotland*, vol. i., p. 72.

which gives lustre to Wallace's name. And this, it is quite evident, was, it may be said, laid at his feet ; —there being probably scarcely a man in his army who did not see the English general's blunder, or who would not, if in command, have taken the same advantage of it.

Availing himself of the panic which this overthrow, and their commander's flight, had spread among the English, Wallace, shortly after his victory, resolved on gratifying his troops with a plundering excursion into England. The opportunity, undoubtedly was a tempting one. The king was absent in Flanders, and so involved in the war with France, that his return, just then, was impossible. The young prince, left in London, was in his childhood, and his council were occupied with the demands of the two earls. These noblemen, bearing the high offices of "Constable" and "Marshal" of England, instead of interesting themselves in the defence of their native country, were busily engaged in devising "charters" and securities against taxation. Acknowledging, as we do, the value of the concessions which they succeeded in wringing from the crown, we cannot think so highly as some have done, of two English knights of high degree, who, having first excused themselves from taking part in the war in Gascony, and then having found a new excuse to avoid going to Flanders,—now remained still supine while the Scotch were burning and devastating the northern counties of England.

Wallace's preparations, however, for his proposed invasion of the northern counties, throw some light upon his real position with respect to the people of Scotland. "The majority of the nobles," says Mr.

Tytler, “being still against him, Wallace found it difficult to procure new levies, and was constrained to adopt severe measures against all who were *refractory*. Gibbets were erected in each barony and county-town ; and some burgesses of Aberdeen, who had disobeyed the summons, were *hanged*. After this *example*, he soon found himself at the head of a numerous army\*.” This language makes it quite clear, that however this new leader might be supported by all the “men of desperate fortunes,” he never had the people of Scotland at his back. Of all the nobles and gentry of that kingdom, not more than two or three ever allowed their names to be associated with his ; and these “gibbets erected in every county-town,” shew that the burgesses were not more enthusiastic in his cause than the higher classes. His followers were, indeed, from the beginning, the discontented, the vicious, and “the men of desperate fortunes.”

However, by the use of terror on the one hand, and of hopes of plunder on the other, a sufficient force was assembled in October 1297, to venture across the border ; and, once in England, they inflicted on the northern counties, says Hemingford, “all the miseries of unrestrained rapine and bloodshed.” “Increasing his forces,” says sir Walter

\* Tytler, vol. i., p. 142. Fordun plainly states the fact ; and Hector Boethius, in his *Chronicle*, says :—

“ That samain time, thair was that made himploy ;  
Men in the north, that would not him obey ;

\* \* \* \*

Thairfor Wallace, without any demand,

\* \* \* \*

Syne for thair treason hangit them ilkane.”

Scott, "that he might gratify them with plunder, he led them across the English border, and sweeping it lengthwise from Newcastle to the gates of Carlisle, *he left nothing behind him but blood and ashes.*" The minstrel adds one or two features, telling us that

"The host  
Began at Tweed, and spared nought they found.  
\* \* \* \*  
All Durham town they burnt up in a gleed :  
\* \* \* \*  
For prisoners they liket not to keep ;  
Whom they o'ertook, they made their friends to weep."

Some details, however, are given by Hemingford, Matthew of Westminster, and other chroniclers, which justify the belief, that the cruelties perpetrated by Wallace and his followers on this occasion rivalled the worst deeds of the greatest monsters known to history. All the English writers of that period, who go into any details, concur in charging Wallace with "forcing English men and women to dance naked before him, pricking them with lances and swords;" with "slaying infants at their mothers' breasts;" with "burning alive a whole school full of boys," &c. The concurrence of various writers, all living at the time, proves the general belief in these facts. One of these records,—the *Chronicle of Rochester*, now among the Cotton MSS.,—evinces the impression made on the English mind at that period, by the insertion of pictorial representations of these scenes on the margin of the chronicle. Nor does it seem likely that the king would himself have publicly charged Wallace with these crimes, as he does in his letter to pope Boniface in 1301, if the circumstances had not been quite notorious and beyond dispute.

Here, too, the traditions recorded by the blind minstrel may with propriety come in, not to establish any new facts, but to shew that “the things commonly related” of Wallace in Scotland were identical with those recorded of him in England. The burning of large numbers of English, in kirks or mansions, is boasted of by Blind Harry, with exaggerations, doubtless, but in more than one instance. Thus, in his seventh book, he tells us “how Wallace burnt 4,000 Englishmen in the kirk of Dunottar ;” and some of his rhymes run thus :—

“ Some hung on crags, right dolefully to die :  
 Some leapt, some fell, some fluttered in the sea :  
 No Southran was left in all that hold,  
 And all within they burnt to powder cold.”

And in his eighth book he tells a similar tale of a castle or mansion in Yorkshire, which Wallace blocked up and set on fire :—

“ Five hundred men, that were into that place,  
 Got none away, but died withouten grace.”

The numbers of the sufferers in these two cases are doubtless augmented by the license of the bard ; but the important fact is this, that the narrations of the English chroniclers, and the charges alleged against Wallace by Edward himself, are substantially confirmed, and gloried in, by these old Scottish traditions.

The admirers of Wallace now endeavour to gloss over or extenuate these atrocities, speaking of them as “some acts of violence committed during the fury of war.” Such is the delicate phraseology employed by Hume. But they were not “acts of violence,” but acts of savage ferocity. Neither were

they committed “during the fury of the war,” but in cold blood, when there was no hostile force in the field against him,—his visit to England being mainly for purposes of plunder. Only one observation, however, need be dwelt upon, at this point of the subject, which is this: that any leader, in any age,—the thirteenth century or the nineteenth,—who enters the territory of another state, and deals with it as Wallace is allowed on all hands to have dealt with England in 1297, must lay his account to receive, when he is caught, a speedy death upon the scaffold; and that with the utmost severity that is ever employed at the time. Nor will the name of “patriot” avail to save him. Who doubts that the feelings of Wallace towards England in 1297, and of the Nana Sahib towards England in 1857, were nearly identical? But the sincerity of their hatred cannot, surely, be admitted to be any extenuation of their barbarities.

For several weeks Wallace and his followers revelled in the spoils of burning towns and ruined abbeys; but even then some retribution overtook them. They lingered too long amidst these enjoyments. “Winter set in with great severity. The frost was so intense, and the scarcity of provisions so grievous, that multitudes of the Scots perished from cold and famine, and Wallace ordered a retreat\*.” In useless revenge for this inroad, lord Robert Clifford collected a force in Cumberland, and invaded Annandale. A few villages and hamlets were burned, and about three hundred Scots were slain. It was to put an end to this wretched state of

\* Tytler’s *History of Scotland*, vol. i., p. 143.

things, by making the English and Scotch one people, that Edward had been laboring for several years past.

But the exploits of Wallace were now over. In fact, his successful skirmishes as a guerilla-leader in the spring, his victory at Stirling in the summer, and his ravage of the northern counties in the autumn, constitute the whole list of his achievements. Before May 1297 his name was never heard, and after December of that same year he only appears, first, at Falkirk as a beaten general; and then, as a fugitive and an outlaw. The wrathful feelings of the English had been effectually roused by the barbarities inflicted by Wallace on the northern counties. Of this we have the most signal evidence in the fact of the remarkable response given to Edward's call. The king had probably heard, when he issued his summons in November for a military rendezvous on the 14th of the following January, that Wallace had broken into the northern counties. Some such reason is needed to explain so unusual a step. In those days, still more than in modern times, armies could scarcely move, or act, or indeed exist, in the depth of winter. Still, if the Scotch were indeed in England, it was needful, whatever the season might be, to drive them out. But, when January came, Wallace had retired; Edward was still involved in the affairs of France and Flanders, and the proposed march was postponed.

Yet the gathering at York on the 14th of January, shewed at once the deep indignation which Wallace's atrocities had excited, and the confidence which the nation reposed in the strong right arm of their king. Although no tidings of Edward's landing had yet

been received, and although Wallace had retired back into Scotland, still to York there came, in the short, dark days of January, no fewer than 4,000 horse, and 100,000 footmen. Considering how lax and uncertain the obligations of the military tenure had become, and that the king was known to be still abroad, we cannot but look upon this remarkable concourse of Englishmen in arms, at that unusual and inclement season of the year, as the strongest possible proof of the eager desire which then animated the whole English people, to take a signal revenge for the blood of their slaughtered fellow-countrymen.

Their eagerness, however, was restrained by the practical wisdom of the king. He would have been apprised, probably, by vessels from Newcastle or Berwick, that the Scotch invaders had retired. Foreign affairs still detained him abroad, and he was too wise to run any risk of a second battle of Stirling. He therefore apprised his generals at York that his return was still delayed ; and he especially enjoined upon them to engage in no general action until he returned. The commanders, therefore, merely relieved the castles of Kelso, Roxburgh, and Berwick, which had been threatened by Wallace ; and then, keeping a small force by them, dismissed the bulk of the army to their homes. Of Wallace, during these operations, we hear nothing. When there was no English army to oppose him, he had boldly crossed the border : but now English troops were marching through various parts of Scotland, and nothing is heard of the insurgent leader.

It was not until the 21st of March that Edward landed at Sandwich, where he was received with

great acclamations,—all men feeling that on his sagacity, judgment, and military talent, the peace and safety of the whole state, at that moment, greatly depended. His first step on landing was to remember his promise. He had assured his people, in the declaration which he had issued just before his departure, that for any wrongs done, or goods taken, by his officers or purveyors, for the service of the war, he would make them full amends. Without any delay, therefore, he directed commissions to issue to two knights and two churchmen in each county, one of each to be named by the crown, and the other by the people, who were to inquire in each district what goods had been taken by the royal purveyors for victualling the king's fleet or army. These commissions were issued in the first week in April,—that is, immediately after the king's landing.

The next step was, to send out, on the 10th of the same month, summonses for a parliament to be held at York in Whitsun week. These summonses were promptly obeyed. A great meeting took place; and the two earls, Hereford and Norfolk, desired again to open the question of the charters. Nothing clearly could be more absurd than, with Scotland in revolt before them, to enter upon a series of angry political discussions. The king very wisely refused to go into such questions at that moment; but he empowered the earls of Gloucester, Warrene, and Warwick, and the bishop of Durham, to pledge his honor, and their own, that, so soon as Scotland was quieted, he, the king, would do all in his power to give them satisfaction. These four mediators succeeded in pacifying Hereford and Norfolk; and, accordingly, arrangements were easily made for a

military rendezvous at Roxburgh on the 25th of June.

Wallace had now been lost sight of in England for more than half a year. The ravaged districts of the north were resuming their former appearance; and the excitement caused by the Scottish atrocities had begun to subside. Still, however, on the second summons, the English again shewed their eagerness to inflict a suitable punishment on the aggressors; and, on the appointed day, 80,000 infantry assembled around their king; while the cavalry were now augmented to 7,000 men, of whom 3,000 were in full armour. This muster, of men coming from their homes and avocations, just when the harvest-time demanded all the available labor of the country, is as remarkable as that of the preceding January.

Wallace, meanwhile, had taken an unwise step. At some petty meeting of the very few leading men who adhered to him,—the names of the earl of Lennox and sir William Douglas being the only ones mentioned,—he had procured himself to be appointed “guardian of Scotland.” Such an assumption, without the concurrence of any considerable proportion of the earls, barons, and knights of Scotland, was clearly unjustifiable; and it naturally tended to widen the breach which already existed between this new leader, whose name was still but of yesterday, and the great men of the land, who, even more than in England, deemed themselves entitled to direct the nation’s course. And it is admitted by all historians, Scottish as well as English, that “the great majority of the nobles were against him\*.” This may have arisen, in

\* Tytler’s *History of Scotland*, vol. i., pp. 142, 147, 152.

many cases, from a proper regard for their recorded oaths, now scarcely twelve months old ; or, in others, from the meaner sentiment of offended pride. But, however this might be, it is quite certain that, from first to last, Wallace never was entitled to speak in the name of Scotland.

Having disgusted, then, most of the great men of Scotland\*, and being left to the poor resource of enlisting all the “men of desperate fortunes,” and of obtaining supplies by hanging up burgesses, we cannot wonder that Wallace took the prudent, and, in fact, inevitable course, of retiring before the English army, wasting everything in his retreat. By leaving the country utterly bare of any living thing, he left the English in the dark also as to his movements and his position. Edward marched onwards, through Berwickshire, to Lauder and Templeliston. The castle of Dirleston was taken, and two smaller forts ; but provisions grew more and more scarce ; and it was rumoured that the Welsh in his army were ready to mutiny. “Let them,” said Edward, with his usual cool courage ;—“let them go over to the enemy. I hope to see the day when I shall chastise them both.” This day, however, was to all appearance distant. No intelligence had been received of the Scottish army. As the English advanced, the country had been wasted by an invisible hand, and Edward was at length compelled to issue orders for a retreat†.

But at this critical moment, the dislike of the Scottish nobles to Wallace saved the English army from the impending failure. Two Scottish lords, the earl of Dunbar and the earl of Angus, while they

\* See Appendix I.

† Tytler, vol. i., p. 155.

shrank from personally appearing in the matter, sent intelligence to Edward by a page, that the Scottish army was encamped in the forest of Falkirk. They added, that it was Wallace's intention to attempt a surprise by a night-attack; and if the English retreated, to hang upon and harass their rear.

Edward, on hearing this welcome news, could not conceal his joy:—"Thanks be to God!" he exclaimed, "who hath hitherto extricated me from every danger! They shall not need to follow me, for I will instantly go to meet them." Without a moment's delay, orders were issued to prepare for the march. At three o'clock the whole army was on its advance, astonished at the sudden change in its operations. It was late before they reached a heath near Linlithgow, on which they encamped for the night. "Each soldier," says Hemingford, "slept on the ground, using his shield for his pillow;—each horseman had his horse beside him, and the horses tasted nothing but cold iron, champing their bridles." In the middle of the night a cry was heard. The king, who slept on the heath, while a page held his horse, was awakened by a sudden stroke on his side. The page had been careless, and the horse in changing his position, had put his foot on the king while he slept. Those around him cried out that the king was wounded, and this, in the confusion of the night, spread an alarm. But Edward had been only slightly hurt, and as the morning was near, he soon mounted his horse, and gave orders to march. They passed through Linlithgow a little before sunrise; and on a rising ground, a little distance before them, they saw the ridge of the hill lined with lances. Not a moment was lost. Their columns marched up the hill; but

on reaching it, the enemy had disappeared. These lances had been the advanced guard of the enemy, and soon the English army could see the Scots in the distance, arranging their lines and preparing for battle\*.

Wallace, aware of his inferiority of force, would gladly have avoided an engagement, but this was now impossible. A retreat in the face of 7,000 horse would have been a ruinous step. He therefore made the best arrangement in his power. He had a large body of infantry armed with the long Scottish lance. These were formed into four squares or "schiltrons," and presented a front which seemed truly formidable. In the intervals were posted the archers; while 1,000 horse, in heavy armour, waited in the rear, until an opportunity for a charge should occur.

The king, always prudent, having now made an engagement secure, proposed to give his army time for rest and refreshments; but the ardour of the soldiers and their leaders would brook no delay. "An immediate onset" was the universal cry. "In God's name, then, be it so," said the king; and, without delay, the earl marshal, and the earls of Hereford and Lincoln, led their troops forward. They soon found a marsh between them and the Scottish army, and were obliged to diverge to the left to avoid it. The second line, under Anthony Beck, inclined to the right; he wished to wait for the arrival of the king, who brought up the third line, but the eagerness of his men could not be restrained. They soon came into contact with the Scots on one flank, while the first line assailed the other. And no

\* Tytler's *History of Scotland*, vol. i., p. 157.

sooner had lances crossed each other, than the whole body of the Scottish cavalry rode off the field without striking a blow. Whether treachery, or dislike of Wallace, or terror at the superior strength of the English army, were the cause, it is certain that this desertion at the commencement of a battle is one of the most disgraceful facts in Scottish history. The only hypothesis which relieves the fact from some of its odiousness, is, that Wallace must have recruited his army by force and terror.

The Scottish infantry, however, stood their ground manfully ; and no mere charge of spears could break their solid masses. But Edward was at no loss how to deal with them. He ordered up his bowmen, every one of whom was used to boast, that he carried twelve Scottish lives in his quiver. Under their ceaseless and destructive discharge, the formidable "schiltrons" soon fell into disorder. The death-shafts encumbered the ranks with dying men, and filled the squares with crowds of the wounded and the dead. Soon their ranks became unsteady, and the heavy, armour-clad English cavalry came thundering in, and swept everything away. Wallace and a few of his men gained the neighbouring wood. Sir John Stewart and Macduff had fallen, and Mr. Tytler reckons that from 10,000 to 15,000 Scots lay dead on the field. The statement everywhere made, and universally believed in England at the time, was, that the loss of the Scotch was 32,000, while of the English no more than twenty-eight were slain. This assertion at first sight appears incredible ; but if we recollect that the Scotch cavalry fled the field and left the 7,000 English horse in possession of it ; and that the dense masses of the Scottish infantry were first deci-

mated by the English bowmen, and then broken, hewed down, and followed in their flight by a numerous body of cavalry, we shall easily understand, that very few battles have ever been fought, in which, of necessity, the loss of the beaten army would be so great, or the casualties on the side of the victors so insignificant.

So ended the career,—the active life,—of William Wallace. He had risen into celebrity and power by the victory of Stirling in September 1297; and he fell into utter disgrace and contempt by his defeat at Falkirk in July 1298. Yet, as a military leader, he deserved neither any considerable amount of praise for the one, nor much censure for the other. So enormous was the blunder committed by the English general at Stirling, that the merest tyro in war could scarcely have failed to discomfit him. While, on the other hand, overmatched in numbers, deserted by the whole body of his cavalry, and opposed by the ablest commander of the age, Wallace's defeat at Falkirk might be considered to be inevitable. The only remark in his personal disparagement which it seems fair to make, is this:—that although himself a soldier of great bodily puissance, and placed in circumstances calculated to draw forth all his powers, we do not discern in his conduct, either at Stirling or at Falkirk, any token of that talent in command, or that valour in personal achievement, which are usually deemed inseparable from the character of a hero.

The Scotch retreated from Falkirk to Stirling, and, pursuing the same policy as before, they burnt that town before they quitted it. A Dominican convent, however, was left standing, and here Edward remained for fifteen days, to recover from the effects

of the hurt in his side. This delay, in a commander of so much activity, gives some probability to the statement of two or three of the chroniclers, that two ribs had been broken by the horse's tread. Recomencing his march, after this period of rest, the king reached St. Andrew's and Perth. But Wallace, with the recklessness of a desperate man, continued to destroy and desolate every place which the English approached. Neither shelter nor supplies were anywhere to be obtained. Edward, therefore, after marching through Fife, and Clydesdale, and Lanark, and Galloway, and finding no enemy or any occupation for his army, gradually returned through Selkirkshire towards Carlisle, which city he reached in September, and where he dismissed to their homes the greater part of his army. The earl marshal and the constable were again discontented, because the king had made a grant of the isle of Arran to a Scotch nobleman, without consulting them. But at Durham, in the autumn, he held a council, in which he granted to some of the English nobles the estates of those Scottish lords who had taken any part in the late disturbances. After this, most of the leading personages seem to have repaired to their own homes. The news of the victory of Falkirk had spread throughout England, and the people rejoiced that the insults and barbarities of 1297 had been thus avenged. Old Stowe, the chronicler, says:—"The citizens of London, hearing of the great victory obtained by the king over the Scots, made great and solemn triumph in their citie." Among other celebrations he especially notices that of the fishmongers, who, "in grand and solemn procession, passed through the city, having, among other pageants, four surgeons gilded,

carried on four horses ; then four salmons of silver, on four horses ; and after these, six-and-forty knights, armed, riding on horses made like luces of the sea\* ; and lastly, St. Magnus, with a thousand horsemen. Thus did they, on St. Magnus' day, in honour of the king's great victory and safe return."

"Wallace," meanwhile, says Mr. Tytler, "soon after the defeat of Falkirk, voluntarily resigned the office of guardian of Scotland ;" — an office, we must add, to which he had never been in any legitimate way appointed, and his pretensions to which were an offence to the whole nobility of Scotland. "The Comyns," adds Mr. T., "threatened to impeach him for treason, for his conduct during the war ; and the Bruces united with their rivals to put him down†." "His name does not occur in any authentic record, as bearing even a secondary command ; nor do we meet with him in any public transaction," until his trial and execution seven years afterwards.

This accusation of treason has no appearance of probability about it, nor has the slightest ground for such a charge ever been shewn. But still, in the simultaneous and total desertion of Wallace by all Scotland, there is something which will bear only one interpretation. In the summer of 1297, multitudes of those who disliked the English rule flocked around him ; and his strength continually increased, until, in three or four months, he stood at the head of an army. But now, having lost one battle, which, under the circumstances, no commander in Europe could have gained, he is utterly cast off by the whole of the Scottish people. A sort of smoul-

\* A kind of fish.

† Tytler, vol. i. p. 165.

dering warfare was kept up in Scotland for four or five years after this, in which it seems probable that Wallace's talents as a guerilla-chief might have been available; but not once do we hear of him as leading even a score of men. When he escaped over to France to seek the aid of Philip, his followers were "five soldiers." And during all these years, in which opportunities of distinguishing himself must have abounded, not one single deed of daring is mentioned as having been performed by him. One thing, however, is clear, amidst all this obscurity, namely, that, whatever wandering minstrels may have done to magnify his fame in after ages, the people of Scotland, between 1298 and 1305, were quite unconscious of the presence of a "hero" among them.

## CHAPTER THE ELEVENTH.

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### AFFAIRS IN SCOTLAND.—PAPAL INTERFERENCE.— PARLIAMENT OF LINCOLN.

A.D. 1299—1302.

WALLACE had now been thrown back into his original obscurity, but the state of confusion which he had introduced into Scotland could not be so easily terminated. By a system of ruthless massacre, and by establishing a “reign of terror,” he had driven all Englishmen out of the midland and northern districts, and had left in their possession only some few castles in the southern part of the kingdom. And then, when Edward came into Scotland to restore order, he found all the southern counties so stripped and desolated, as to render it impossible to maintain an army in them. The king, therefore, withdrawing, and Wallace being now utterly disgraced, it followed, not unnaturally, that a sort of temporary regency sprang up in Scotland, consisting of Comyn, Soulis, and one or two others. And these leaders, although they had all sworn fealty to Edward in 1296, did not hesitate, in 1299 or 1300, to hold Scotland against him, and to send both to France and to Rome to ask for help, to deprive him of that sovereignty which they themselves, only a year or two before, had unanimously promised to defend.

Had England, however, been united and at peace,

the king would have found little difficulty in restoring Scotland to a state of order. But, on all sides, during the next two years, there arose questions needing adjustment. There was a truce, leading to a peace, with Philip of France; but the peace itself was not yet concluded: there was an arbitration before the pope, upon which the restoration of Gascony depended; but Gascony was not yet restored: and, amidst all, there was a restless agitation kept up by the two earls, and secretly fomented by Winchelsea, for the double purposes of limiting the king's power of taxation, and of reducing the lands and domains of the crown.

One or two of our historians,—more especially Hume,—have thrown much obscurity on these discussions “on the charters,” by omitting to explain, with any clearness, the real nature of the points at issue. They leave it to be supposed, or inferred, that Edward disliked the obligations of Magna Charta; and would willingly have thrown off all respect for its provisions. Yet there could scarcely be a greater misrepresentation. The whole tendency of his legislation, during five-and-twenty years, had been to enlarge and improve that great contract, and to turn it into statute-law. De Lolme remarks of Magna Charta, that “it had only one article calculated for the interests of that body which was the most numerous in the kingdom.” It was, in fact, nothing more than a great compact, devised by the barons and Langton their leader, for the security of their own rights and possessions against the encroachments of the crown. But Edward's legislation, from the beginning, had taken a far wider range. His statutes were made, freely and voluntarily, “for the common weal, and

for the remedy of *all that were aggrieved.*" Of his first great Statute of Westminster lord Campbell says,—"It enforces the enactments of Magna Charta against excessive fines; it enumerates and corrects the abuses of tenures, and the marriage of wards; it regulates the levying of tolls; it corrects and restrains the powers of the king's escheator; and it amends the criminal law." Thus Edward's views always went far beyond Magna Charta; and to describe him as being, at heart, unfaithful to that compact, is, indeed, to carry injustice to the highest conceivable extent.

The two objects which the constable and marshal had in view, were, first, to deprive the king of that power which all his predecessors had enjoyed, of levying, in time of urgent necessity, "prises and talliages," without consulting his parliament. This was a most desirable step for the people; but it involved a great concession on the part of the crown. Their second object was, to reduce the limits of the royal forests. Of this we shall speak in a subsequent chapter.

Having all these matters before him, Edward summoned a parliament to meet in Westminster in the beginning of Lent, 1299. The first business which was brought before it, was the award of pope Boniface, to whose arbitration the two kings had agreed to submit their disputes. Boniface had made his award; and although it does not appear that the parliament had any grant to make, or other duty to perform in this matter, still the king chose to lay that award before his parliament. We here again perceive that same willingness, which is so often manifested in the course of Edward's life, to take counsel,—to discuss all public matters in a parliament; and, in

fact, to carry on his government very nearly as it is carried on at the present day.

The pope had ordained, as a final settlement of the disputes between the kings of England and of France:—That there should be a firm and stable peace between these two sovereigns; and hence, that the cessation of hostilities between the two, which was provided by the late truce, should continue and be inviolably observed: that king Edward should marry Margaret, the sister of the king of France, and his son the prince of Wales, Isabel, the daughter of the same king: that all lands, territories, and goods, should be restored to their former owners: and that compensation should be made for such as had been destroyed.

This award was read and approved in parliament. And now the two earls brought forward, once more, their demand for a new confirmation of the charters, and for a perambulation of the forests. This last item, as we shall have occasion in a future chapter to observe, was the real object which Hereford and Norfolk had in view. The king granted the confirmation; but with the addition of the words "*salvo jure coronæ*." This proviso displeased the earls, and they left the parliament in anger. Really desiring to content them, the king summoned another parliament after Easter; in which he withdrew this qualifying clause, and granted the confirmation unreservedly.

This reservation of the rights of the crown is spoken of by one or two writers, as if it betokened some insincerity or equivocation on Edward's part. Such an imputation can only arise from not remarking one peculiar feature in his character. He was always

cautious not to infringe on the rights of others ; but he was equally cautious not to surrender his own. He never for one moment forgot, that he was merely tenant for life of the crown of England, and it was a matter of constant care with him, to do nothing whereby the prerogatives of that crown might be impaired. At every step, therefore, we find him, throughout his long and eventful reign, avowing his determination to give up none of the ancient rights of the crown. It was on this ground that he carried his army, first into Wales, and then into Scotland ; because he believed that as king he was entitled to the homage both of Wales and of Scotland ; and that, to neglect to assert that right, would be to abate somewhat of the power and majesty of the crown of England. Of his ceaseless care on this point, the proofs meet us in every page of his history. Thus, in his first great statute, which was an immense boon to the people of England, he closes with the following words :—“And forasmuch as the king hath ordained these things to the honor of God and holy church ; and for the common weal ; and for the remedy of such as be aggrieved,—he would not that at any other time it should turn to the prejudice of himself or his crown ; but *that such rights as appertain to him should be saved in all points.*” In like manner, when deciding the question of the Scottish succession, he calls to mind that he himself is descended from a princess of Scotland ; and he declares, “that John Baliol ought to have seizin of the kingdom of Scotland ; *reserving, however, the right of the crown of England,* whenever he or his heirs shall see fit to assert it.” And, in the same spirit, we find him, at the parliament of Lincoln, in 1301, desiring those who

attended it, to settle the perambulation-question “so that their oaths and the oath of the king relating to the rights of the crown may be saved.” Thus we see that it was, in his view, a point of duty, to be kept constantly in memory, that “the rights of the crown” should not, by any remissness on his part, suffer any diminution.

The treaty with France had now been signed, and measures were in progress for carrying it into effect; when Edward was surprised by receiving a new application from Philip, in the spring of this year, 1299, demanding the release of Baliol and his son. Edward at first postponed the question, but finally referred it to the pope’s decision; and in July, Baliol was put into the hands of the bishop of Vicenza, Boniface’s representative, at Witsand, near Calais; Edward expressly providing, that the pope might do as he liked with the ex-king; but that with the realm of Scotland, and the people thereof, he should not meddle, either on behalf of Baliol or his heirs, or for any cause whatsoever. Edward, probably, was the more willing to consent to Baliol’s release and departure, inasmuch as the latter had recently, of his own accord, declared, not only his renunciation of the kingdom of Scotland, but also his determination never again to set foot in a country “in which he had experienced so much malice, fraud, treason, and deceit\*.”

Another point urged by Philip was, that the Scotch should be allowed a truce for seven months; and Edward, remembering his other engagements, consented to this intermission of hostilities. One

\* “Malitiam, fraudem, proditionem, et dolum.”—BRADY, App. N. 37.

business which he had no desire to postpone, for war, or any other occupation, was, his own union with the princess Margaret of France. The loss of his beloved Eleanor had left a void in his home-circle which he had long been anxious to fill. Peter Langtoft writes, of a period two or three years earlier than this, that, on returning home from one of his journeys to Scotland,—

“ On fell things he thought, and wext heavie as lead ;  
How chances 'gainst him foughte ; and that his queen was dead ;  
His solace all was 'reft, that she from him was gone.”

And it was not long after this before he began to make enquiries ; first, as to the princess Blanche, and then, as to her sister Marguerite, of France.

The princess was brought over by the duke of Bourgogne, landing at Dover on the 8th of September, 1299, and the marriage was celebrated on the 10th, in Canterbury Cathedral,—the archbishop officiating. A large number of foreign, as well as of the English, nobility, were present. The new queen, like her predecessor, seems to have been entirely devoted to her great consort. Like Eleanor, even in war, she was usually near to the king, and his attentions to her were unremitting. Thus, of the Scottish campaign of 1301, Peter Langtoft writes,—

“ The queen Margaret then with child was she ;  
The king bade her not stay, but come to the north countrye ;  
To Brotherton on Wharfe, and there she was.  
The mother of a son, the child hight Thomas ;  
And when the king heard say she had so well faren,  
Thither he went away, to see her and her bairn.

\* \* \* \*

The queen, with her son, at Cawood leaves he ;  
To them, on the Ouse, full often came he.”

A month or two seems to have been given to this celebration ; but Edward had not forgotten that he had castles and friends in Scotland needing his aid ; or that the truce stipulated for by Philip would soon expire. He issued, accordingly, writs to his military tenants, calling upon them to meet him, with horse and arms, at York, on the 10th of November. There his principal barons met him at the time appointed ; and he moved on to Berwick, intending to march to the relief of Stirling Castle, which was now pressed by the forces of the regents, and had sent to him for aid. But the ardour of the king was greater than that of his followers. They disliked a Scotch campaign in the months of December and January, and so strongly represented the difficulties and the perils of a winter march, that Edward was obliged to yield to their objections, and to allow the garrison of Stirling to capitulate.

Early in the year 1300 the king again met his parliament in Westminster. A new and extensive *Statute on the Charters* was here proposed and adopted. It enacted, that the charters should be published by the sheriffs of all counties four times in each year. It ordained that “no prises” should be taken within the realm, save only by the king’s takers or purveyors ; and that these should be bound to exhibit the king’s warrant, and to pay or make agreement with those from whom the things were taken. It also made other good and desirable regulations, all tending to give greater security to property, against violence or illegal conduct on the part of men in office. In this parliament, as well as previously in that of 1299, urgent demands were made for a new perambulation of the forests ; and the king

promised to take measures for the accomplishment of that object ; which promise he faithfully kept.

And now, as the spring advanced, the king prepared for another march into Scotland ; reaching the border, this year, at an earlier period of the summer than on most of his former expeditions. The Scotch had now learnt the simple and generally effectual device, of retiring on the approach of the English army, without offering battle. Edward besieged and took Lochmaben Castle, and then proceeded to Caerlaverock, on the Solway-Firth. This castle also capitulated on the second day. An account of this brief siege, in Norman-French, from the pen of an eye-witness, is among the Cotton MSS. in the British Museum. It is supposed by sir Harris Nicholas to be the work of Walter of Exeter, a Franciscan friar, who is believed to have written the history of Guy, earl of Warwick, in 1292. The garrison, he tells, us, threw themselves on the king's mercy. "They were kept and guarded, till the king commanded that life and limb should be given them ; and also ordered that each of them should have a new garment."

From Caerlaverock the king marched on to Galloway, where the bishop of that place came to speak of peace. It was not Edward's wont to treat with rebels with arms in their hands ; but it seems probable that he gave the bishop a safe-conduct for John Comyn and the earl of Buchan ; inasmuch as we find that these nobles, on the part, probably, of the regency, had an interview with him at this period. They rather absurdly proposed, that he should let them have John Baliol back again, as king ; and should restore the forfeited estates on payment of reasonable fines. Now, Baliol, when he was actually

their king, was imprisoned by them in order that they might rule without him ; and he, Baliol himself, had recently declared, that he would never again set foot in a land which had treated him with “ so much malice, treason, and deceit.” And they made this proposal to a sovereign to whom they had taken, more than once, oaths of allegiance ; and whose army they feared, at that very time, to meet in the open field. And upon what pretence, on what rational ground, could they make such an application ? It was but some three or four years before, that all the nobles and gentry of Scotland had thronged around Edward, to offer him their homage as king of Scotland. And what had he done, since 1296, to forfeit their allegiance ? Had his rule been tyrannical ? Let the Scottish historians bear witness. “ His conduct,” says lord Hailes, “ in all things bore the semblance of moderation.” “ The measures he adopted,” says Mr. Tytler, “ were equally politic and just. No wanton or unnecessary act of rigour was committed ; no capricious changes introduced\*.” On the whole, this singular request, preferred to a victorious general at the head of his army,—that he would quietly relinquish all the fruits of his victories, seems one of the most irrational of the measures of the Scottish leaders.

The king naturally parted from Comyn and the earl in anger, and marched to Irvine, where he waited for the arrival of his supplies by sea. The Scottish army shewed itself on the opposite side of the river ; but on preparations being made for an attack, it fled to the mountains and morasses. The king then fixed his head-quarters at Dumfries, and

\* Tytler's *History of Scotland*, vol. i., pp. 121-122.

employed himself in taking possession of the towns and castles of Galloway, and receiving the submission of the inhabitants of that district.

But now a fresh obstacle arose to an immediate settlement of the affairs of Scotland. The regents, as they were called,—Comyn, Soulis, and the bishop of St. Andrew's,—had, as we have already remarked, taken measures to solicit the interposition both of the king of France and of the pope. Walsingham, himself a Benedictine monk of St. Alban's, writes, that “about the beginning of this year, 1300, the Scotch, *knowing all things to be saleable at Rome*, sent over rich presents to the pope,” praying him to interfere in their behalf, and to stop the king of England in his proceedings against them. Such applications were generally successful at Rome, especially when,—as in the present instance,—they gave the papal court an opportunity for the assertion of some new claim. A mandate was, therefore, sent over to England, and consigned to the care of Winchelsey the primate, who was charged with its delivery to the king in person; which mandate desired the king to abstain from all further proceedings against the realm of Scotland; which realm,—said pope Boniface,—“*did, and doth still, belong in full right to the church of Rome.*” Such a pretension, now for the first time advanced, might, and doubtless did, appear to all parties to savor of audacity: but Boniface well knew that he might advance it without fear. He had been, and still was, the umpire between Edward and Philip. The questions placed before him had not been finally decided, and Gascony was not yet actually restored. Hence, he knew full well, that however indignant Edward might feel, his practical sagacity

would prevent him from actually defying the Roman see. For a certain "consideration," the pope had promised to do the Scotch a certain service, and that compact he thus observed, caring little about the validity of the pleas advanced, which were only intended to serve the purposes of the hour.

In Winchelsey the pope found a prompt and willing agent. This able and artful prelate was always forward in any scheme for exalting the power of the church, and reducing that of the crown. He therefore very naturally undertook the commission assigned to him with evident pleasure; and his letter to the pope, recounting his zealous labors, in obedience to the papal instructions, is a most edifying document. He writes to Boniface, that, immediately on receiving his mandate, he prepared his baggage and carriages, and money for his expenses, and set forth to deliver the pontifical mandate to his lord the king, who was then twenty days' journey from the place where he, Winchelsey, received the papal instructions. He then recounts the difficulties of the journey, and finally states, that he arrived in the presence of the king, who was then in the midst of his army, and at dinner. The king, he adds, was too much occupied with business to receive him that day, but appointed him an audience on the next day at noon.

Winchelsey, in proceeding to give an account of this audience, omits one characteristic incident which is related by Walsingham. The archbishop, on being introduced to the king, according to his appointment, first read, and presented, the papal mandate. But to manifest his zeal still further, he proceeded to give the king, in addition, some admonitions of his own, garnished with certain flowers of ecclesiastical rhe-

toric, which, to a clear-sighted and plain-spoken man like Edward, must have been peculiarly nauseous. He counselled the king to yield a prompt and entire obedience to the commands of the Holy Father, inasmuch as "Jerusalem would not fail to protect her citizens, and to cherish, like Mount Zion, those who trusted in the Lord." To which Edward replied, with evident disdain, that "neither 'Mount Zion' nor 'Jerusalem' should prevent him from maintaining what all the world knew to be his right." At the same time, having regard to the peculiar nature of the application, and to the dignity of the pontiff, he first desired the archbishop to retire while he consulted his nobles, and then, recalling him, gave him, by the lips of his chancellor, a more formal reply :—"That, since it is the custom of England, that in such matters as relate to the state of that kingdom, advice should be had with all whom they may concern ; and since the present business not only affects the state of Scotland, but the rights of England also ; and since many prelates, barons, and other principal men are now absent; it is my purpose, as soon as possible, to hold a council with my nobility, and by their joint advice and determination, to transmit an answer to his holiness by messengers of my own."

The archbishop, in his report to the pope, is glad to be able to add some tokens of the success of his mission. He says, "I afterward heard that my lord the king, within four days after my departure, returned with his army into England ; and his forces being dispersed, he purposes to stay at a certain abbey called Holme Cultram, on the border. And thus have I reverently executed your commission in every respect, with all the diligence that I was able to use."

We have already stated, that from the peculiar position of his affairs, it would have been most undesirable for Edward to have any positive quarrel with Boniface at this moment. The negotiations for peace, which had been carried on for two or three years past, were still unconcluded. Treaties had been signed; but other treaties were still under discussion. The decision of many important points was still in Boniface's hands. Hence, to have dealt with the question in a prompt and peremptory manner, might have driven the pope into Philip's hands, and have thrown many important questions into the greatest confusion. Edward, therefore, could only deal with the new papal claim in a respectful and temperate manner. He restored the bishop of Glasgow to his see, on his taking a new oath of fealty to him and his successors, kings of England. He complied with a request of Philip's, and granted the Scots a new truce, until the Whitsuntide of 1301; and he issued writs, summoning a parliament to meet at Lincoln on the 20th of January of that year. Before that parliament he proposed to lay the letter or monition of Boniface; and to that parliament he also desired reports to be brought by the commissioners appointed to inquire into the boundaries of the forests. He also sent letters to the two universities, and to the principal religious houses, desiring them to send to Lincoln some of their most learned men, with copies of any archives or other records which might be in their possession, bearing upon the questions agitated in the papal mandate. Having thus taken every proper and expedient measure for meeting this new attack upon his position, the king retired to Northampton, where he spent the

Christmas of 1300, surrounded by his queen and family ; proposing early in the new year to remove to Lincoln ; there to discuss and settle, if possible, both the affairs of Scotland, and also that more domestic question,—which had latterly assumed an almost threatening aspect, “the perambulation of the royal forests.”

The parliament of Lincoln, A.D. 1301, deserves a high place among the notable events of English history. In it we find the parliamentary system firmly established, in nearly all its present dimensions, features, and characters. To its principal Act,—the reply to pope Boniface,—we find appended the names and seals of no fewer than one hundred and four earls and barons ; and as the prelates, and the Scottish barons, were, for obvious reasons, excused from taking part in this proceeding, we may safely estimate the attendance of the higher orders, or, what we now term “the house of lords,” at more than one hundred and fifty. To this parliament, also, there were summoned representatives from one hundred and thirty-seven cities and boroughs. Probably, in the existing state of society, these merchants and traders\*, in the presence of the great barons of the realm, were generally modest and silent ; but we cannot imagine so large a body of Englishmen,—many of them independent in property and position†,—executing a public trust in a spirit of absolute subjection and passiveness.

\* Samuel Stanham, a merchant and grocer in Lincoln, was one of the representatives of that city in this parliament of 1301.

† The city of London, about this time, allowed its four representatives, for their joint expenses, out of the city cash, twenty shillings per diem ; which would be equal to fifteen pounds daily, at the present time.

Lincoln, the scene of this great gathering, must have presented a lively and singular spectacle in the months of January and February 1301. The royal court itself would have created a throng in any city of the second class. But the splendid trains which always attended the great barons and prelates must have far exceeded, in the aggregate, the officers and attendants on the court. And when to all these were added some two or three hundred borough-representatives, all requiring both lodging and provisions, we may feel sure that this city of the fens must have been the scene of a turmoil, bustle, and commotion, which none of its inhabitants were likely ever to forget. Langtoft tells us, that—

“ At the park afterwards his parliament set he,—  
The good king Edward, at Lincoln his citie :  
At St. Katherine’s house the earl marshal lay ;  
In the Broadgate lay the Bruce, erle was he that day ;  
The king lay at Nettleham ; it is the bishop’s towne :  
And other lords there came, in the countrie up and downe.”

It probably would not be easy to ascertain how the victualling of all these hundreds, or rather, thousands, was accomplished ; or in what way it became an affair of state. But the existing records shew, not only that great provision was made beforehand ; but that these matters were thought of by the king himself. From Dumfries, in the previous October, the king, so soon as he had determined on holding this parliament, sent writs to the sheriff of Lincolnshire, enjoining him many weeks beforehand, to provide, for the intended meeting, four hundred quarters of corn, four hundred quarters of barley, one thousand quarters of oats, and hay for four hundred horses for a month. The sheriff was also to provide one hundred cows and oxen ; one

hundred pigs ; and three hundred sheep. And all this was, distinctly, for the parliament ; while for the royal household a separate order was given, of four hundred quarters of corn, one hundred beeves, sixty pigs, and four hundred sheep. The king was probably able to procure the provender for his stables, by orders addressed to some of his own tenantry.

As the time of meeting drew near, other necessary matters were thought of. A writ, dated Worksop, December 2, 1300, enjoins the sheriff to procure sixty dozens of good parchment, for records of the matters to be agreed upon. Other orders of the same kind follow. Samuel Stanham, who was himself a representative of the city of Lincoln, in this parliament, had, at its close, a demand against the king's treasurer for 96*l.* 14*s.* 5*d.* for sugars, figs, &c. ; and for 54*l.* 10*s.* for fish. He also claims 6*l.* 16*s.* for herrings and stock-fish supplied to prince Edward, then scarcely seventeen years of age. Multiplying these sums by fifteen, for the altered value of money, we shall perceive that they imply a liberal expenditure in the royal establishments.

The parliament being opened in the accustomed form, it appears that the two earls obtained precedence for their favorite questions,—the perambulations and the disafforesting. These topics, urged by the constable and the marshal,—Winchelsey being their prompter and secret adviser,—led to prolonged and vehement debates. As these discussions form part of the great disafforesting controversy, we shall pass them over for the present, only observing that Edward's skill, firmness, and moderation were taxed to the utmost on this occasion. He succeeded, however, after many days of fierce debate, in calming the

troubled waters, and bringing the parliament to a practical result. What were termed "the reports of the commissioners of perambulation" were adopted, and orders for extensive disafforesting were given. Thus pacified, the barons consented to a grant of a fifteenth, to be paid by the feast of St. Michael next ensuing.

And now, these internal dissensions being for a time set at rest, the parliament took up the question of pope Boniface's letter. Upon its audacious and baseless claims, there seems to have been no difference of opinion. Edward's law-officers, aided by all the documentary evidence that could be discovered, had, there can be no doubt, prepared a complete answer to the papal assumptions; but it was prudently suggested, that in the king's present circumstances, it was not desirable that he should appear as a personal rejector and oppugner of the pontiff's pretensions. Hence, doubtless, arose the idea of the plan which was finally adopted. The whole array of the barons of England stepped between the pope and their king; and told the pontiff, that he had asked more than his right; and that they could not permit their sovereign,—even were he so inclined,—to surrender the rights or the dignity of the crown of England. In this important document,—after first denying the historical statements of the papal rescript, and wholly repudiating the idea, that the kingdom of Scotland had ever, in any way or manner, belonged to the see of Rome,—they go on to deal with the question, whether the king of England shall or may appear before the papal tribunal, to defend his right, or in any way to acknowledge the pope as an arbiter

or judge in this matter. On this point, the hundred and four barons thus express themselves :—

“ By a custom which has always been inviolably observed, a privilege arising from the pre-eminence of the regal dignity, the kings of England have never pleaded, or been bound to plead, respecting their rights in the fore-mentioned kingdom, or any other their temporal rights, before any judge, ecclesiastical or secular. Wherefore, after discussion and deliberation respecting the contents of your letters, it was our common and unanimous resolve, and by the grace of God shall for the future remain such, that with respect to the rights of his kingdom of Scotland, or other his temporal rights, our aforesaid lord the king shall not plead before you, nor submit in any manner to your judgment ; nor suffer his foresaid right to be brought into question by any inquiry ; nor send agents or procurators for that purpose into your presence. For such proceedings would be to the manifest disherison of the rights of the crown of England and the royal dignity, the evident subversion of the state of the kingdom, and the prejudice of the liberties, customs, and laws, which we have inherited from our fathers, —to the observance and defence of which we are bound by our oaths ; and which we will maintain to the best of our power ; and by the help of God will defend with all our might. Neither do we, nor will we, permit,—as we neither can nor ought,—our aforesaid lord the king to do, or attempt to do, even if he wished it, the things before mentioned ; things so unwarranted by custom or obligation, so prejudicial, and otherwise so unheard of\*.”

\* Rymer's *Fædera*, vol. ii., p. 927.

This was the substantial reply given to pope Boniface; and it was a fitting and worthy reply. That it was counselled and framed by the king's ministers cannot be doubted; and we see in it a fresh proof of that remarkable feature in Edward's character,—his desire, at every step, to act *in concert* with his people; to move with them in every important step which required to be taken. But to this,—the substantial reply,—Edward thought it wise and expedient to add a private and friendly letter of his own. He sent this second communication, as he expressly says, "not in the form or shape of a judicial pleading," but as an entirely unofficial communication from one equal to another. Its object, both professedly and really, was to obviate any possible ground of complaint or aggrieved feeling. In this letter, the king touched upon the chief points in the history of the two countries;—shewing, that a superiority had existed, and that homage had been paid, from kings of Scotland to kings of England for centuries past; and he ended thus:—"As, from the above-named consideration, it is plain and notorious that the said kingdom of Scotland belongs to us, in full right, and as we have never done anything which could in any way derogate from our rights over the same, we humbly entreat your holiness, that you, weighing the arguments above-stated, will deign to decide upon them according to the promptings of your own mind; in no way giving credit to the contrary suggestions of those who are jealous of us in this respect; but preserving and approving of our state and our royal rights, if it so please your paternal affection."

The practical result, then, of the whole was, that Edward, firmly rejecting the papal claim, refused even

to send commissioners for the purposes of discussing it. He was a sincerely religious man, according to the obscured christianity of his day; and he probably had never heard the pope's claim to an universal primacy so much as questioned. But his own powerful and sagacious mind often enabled him to detect the unwarrantable pretensions of the ecclesiastics of all degrees; and when "he felt himself to be in the right,"—as he told Winchelsey at Salisbury,—he was "ready to go to the death," in defence of his position.

Having thus parried and averted the blow aimed through the papal power, the king, that summer, mustered his forces and entered Scotland. But the unsettled state of his affairs, and the negotiations still pending with France and with Rome, seem to have distracted his attention, and weakened his efforts. He captured one or two strong places; but the Scotch still adhered to their former system, of retiring at his approach, and laying waste everything before him. An early winter set in, and cut short the campaign; and the king resolved to fix his residence for the winter at Linlithgow, so as to be ready to commence an early campaign in 1302. But this plan was defeated by an absurd concession made by his agents in France. In prolonging the truce with Philip until November 30, 1302, they weakly permitted the French ministers to claim the inclusion of the Scotch in this cessation of arms. Thus one whole year more was lost to Edward in his Scottish operations,—a loss which, at his time of life, was of great and permanent importance. The final and entire reduction of Scotland was thus once more postponed until 1303-1304; when, as we shall see in the next chapter, it was triumphantly effected.

In the course of the year 1302, we observe the meeting of three parliaments. The first was held in London, in March, and of it we have few particulars; another was held in July; and in September and October a third was held in London, at which there attended seventeen prelates and forty-four abbots; nine earls, and eighty-two barons; two knights from each shire, and two citizens or burgesses from each city or borough; with full power to do "quod tunc de communi consilio ordinabitur."

## CHAPTER THE TWELFTH.

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### SECOND CONQUEST OF SCOTLAND.—EXECUTION OF WALLACE.—SETTLEMENT OF SCOTLAND.

A.D. 1303—1305.

SOME historians, in recounting the events of Edward's reign, have spoken of three, or even of four conquests of Scotland. But, strictly speaking, the term can only be applied to his first march through the kingdom, in 1296; and his last great expedition, in 1303-4. On both of these occasions, the land was thoroughly possessed and quieted; and when Edward returned to England, he left not behind him, in all Scotland, in the open field, one declared foe. Our present chapter will be given to the description of the second of these progresses.

In the spring of the year 1303, it began to be apparent, that both the pope and the king of France, having no real care or concern for the Scots, would at last withdraw that support which they had hitherto given to the discontented in that country. Philip was anxious to be at liberty to devote his whole attention to the affairs of Flanders; and he readily agreed to a treaty which was made in the course of this spring, by which Edward was restored to the possession of Gascony, without any proviso or stipulation on behalf of the Scotch. No such treaty was required in the case of the pope. Boniface had

already done all that he had promised or intended to do in behalf of that people. He had interfered in their favor, and had gained them a respite of one or two years ;—but permanently to quarrel with such a prince as Edward, in favor of a poor and distant nation like Scotland, was altogether foreign to his interest, as well as to his inclination.

The pope, then, having manifested his views, by addressing a letter to the Scotch bishops, enjoining on them a peaceful and dutiful demeanour towards the king of England; and the treaty with Philip having been fully agreed upon,—Edward felt himself, at last, at liberty to turn his undivided attention to the affairs of Scotland; and, with his wonted decision of character, he resolved to bring all questions, in that country, to a termination, by one sufficient and well-considered effort. On the 20th of January he wrote from his castle at Guildford, to more than twenty of his chief barons, desiring them to proceed, with their whole power, to the aid of John de Segrave, the governor of Scotland, who was about to march from Berwick to Edinburgh, and whom he, the king, intended shortly to join.

Before Edward, however, could reach Scotland, Segrave, like earl Warrenne at Stirling, had allowed himself, by carelessness and over-confidence, to be surprised and defeated. He had commenced his march towards Edinburgh with a force of about 20,000 men. But these he had formed into three divisions ; and these divisions marched on at a considerable distance from each other, and without keeping up any proper communication. Comyn, one of the so-called “regents,” and sir Simon Fraser, lay between Segrave’s force and Edinburgh, with about

8,000 men. They doubtless had good intelligence of Segrave's movements, and of the disposition of his forces. Very naturally, and very judiciously, they made a night-march, and took the first division of Segrave's force by surprise, at the dawn of day ; routing and dispersing it, and taking many prisoners. Shortly afterwards the second division came in sight, and the Scotch, still superior in numbers, and exulting in success, attacked and defeated it also. The third division, under sir Robert Neville, had met with the fugitives from the first two engagements, and were thus warned in time ; and they repulsed the Scotch, and recovered some of the prisoners\*. Still, on the whole, "the battle of Roslyn" was a serious defeat for the English, and hastened Edward's journey into Scotland, which he reached soon after Easter.

In this engagement at Roslyn, one of the king's officers, called "Ralph the Cofferer," was taken prisoner by sir Simon Fraser. He offered a large ransom ; but Fraser himself "first struck off the hands of the unhappy priest, and then severed his head from his body†."

This same Fraser afterwards craved Edward's mercy, and received it, on condition of leaving the country. This promise, like almost every other en-

\* The Scottish historians, who wrote *a century after*, claim the victory in all three engagements ; but Hemingford and Trivet, who wrote *at the time*, distinctly declare that Neville repulsed the Scotch, and recovered many of the prisoners. Hume and Tytler, as Scotchmen, give credit to their own chroniclers ; and yet they are uncandid enough to profess to take their accounts from Hemingford and Trivet. But these latter writers, who are the only contemporary witnesses, plainly assert, that the advantage, in the third engagement, rested with the English.

† Tytler's *History of Scotland*, vol. i., p. 186.

gagement made at that time by Scotchmen, was unblushingly violated, and Fraser was again found in arms against that sovereign who had already granted him his life. He was taken and executed as a traitor, and his execution is one of those which are said to "brand Edward's memory with the charge of cruelty." The position, in fact, which is taken by most Scottish writers, seems to be this; that these men, because they were in arms for "independence," were entitled to commit any atrocity that they pleased; but that, when the fortune of war went against them, it was Edward's duty to grant them, at least, a free pardon, and, in some cases, a reward!

The momentary advantage gained by the Scotch at Roslyn had no influence on the fate of the campaign. Edward arrived in Scotland soon after Easter, having summoned his military tenants to meet him at Roxburgh by Whitsuntide. He then passed on to Edinburgh, "without challenge or interruption," in the early part of June. He himself marched up the eastern side of the kingdom, having given his son the command of a division which proceeded along the western coast. Having been warned, by the experience of the last four years, of the difficulties created by the devastating system, the king had now made ample provision, and his fleets accompanied his march with abundant supplies. From Edinburgh he proceeded, by Linlithgow and Clackmannan, to Perth. But this march involved the passage of the Forth,—the attempt to pass which river had occasioned earl Warrenne's defeat at Stirling. Lord Hailes and Mr. Tytler differ as to Edward's plans. Hailes says,—"The Scotch fondly imagined that Edward would attempt to force the

passage" of the narrow bridge, as Cressingham had done. "But the prudence of Edward frustrated their expectations. Having discovered a ford at some distance, he crossed the river at the head of his whole cavalry\*." This ford, it will be remembered, had been mentioned to earl Warrenne in 1297, by sir Richard Lundin. Mr. Tytler, however, thinks that "Edward did intend to pass the river by the bridge; which, on his arrival, he found had been destroyed by the Scots." He observes that, "had the leaders profited by the lesson taught them by Wallace, they would have kept up the bridge, and attacked the English when defiling over it†."

A singular notion Mr. Tytler must have had, of the sagacity of a commander of whose military skill he often speaks with admiration, to suppose it possible that he could have repeated the insane blunder of Cressingham and Warrenne, with the lamentable results of which he was so well acquainted. It is true, indeed, that Edward, prepared for all contingencies, would have passed the river by *a* bridge, if the fords had been found impracticable. Peter Langtoft explains the whole transaction:—

"Counsel he had of one, a bridge he should wrihte (erect),  
 Boats and barges ilkon, with flukes to make them tighte,  
 The Scottish sea to pass, *if that he had neede*;  
 That passage never was, he rode over on his steede.  
 The Scots they saw him coming, and fleeand fast they did,  
 Moors and mountains over, away they drive for dread."

This plan of a pontoon-bridge was not new to the king. The strong rings and bolts by which he proposed to make fast a bridge over the Menai-strait,

\* Hailes' *Annals*, vol. i., p. 304.

† Tytler, vol. i., p. 191.

twenty years before this period, are even now to be traced on the banks of that water\*. He, doubtless, therefore, was prepared to take a similar course now, if it should be needful; but he could scarcely have been left in ignorance of sir Richard Lundin's suggestion. And a ford having been pointed out, "the king," says Mr. Tytler, "forded the river in person, at the head of his cavalry, and routed or dispersed the last remnant of a Scottish army." Langtoft's description, however, is the more picturesque of the two; it was written at the time, and it corresponds exactly with the flight,—admitted on all hands,—of the Scottish cavalry at Falkirk. To repeat his words:—

"The Scots they saw him coming, and fleeand fast they did,  
Moors and mountains over, away they drive for dread."

This was the last attempt at opposition in the open field. From Perth the king proceeded to Dundee and Brechin and Aberdeen. The castle of Brechin delayed him three weeks. It was naturally strong, and it had a stout commander,—sir Thomas Maule. But he was struck down by a stone from one of the king's engines; and on his death the garrison at once capitulated.

From Aberdeen Edward marched on to Kinloss in Moray. Some English writers of the time assert him to have even reached Caithness. He may have embarked in some vessel of his fleet, and in that may have visited the coast; but lord Hailes' remark seems a rational one, that in those days the country to the north of Rossshire was of small account, and it

seems improbable that the king should have carried an army into those remote districts. But having thus traversed the land, and found no enemy to abide the push of lance, Edward returned, in the autumn, to Dumfermline, where he took up his quarters for the winter. The Scots were now pretty generally satisfied of the hopelessness of any further resistance. Wallace, indeed, was somewhere hidden ; but we hear nothing of a single valorous deed done by him ; and none of the Scotch appear to have expected anything from his sword. The barons and other proprietors were now rapidly making their submissions, and being “received to the king’s grace ;” and in the course of his residence at Dumfermline, this pacification became almost universal. Peter Langtoft says,—

“ The towns, and the counties, and the people all aboute,  
 To the king fell on knees, his power did them loute.  
 Unto his peace they yield ; fealty to him did sweare ;  
 Truly with him to hold ; no arms against him beare.”

Matthew of Westminster says,—“The nobles of Scotland, their error having met with stern defeat, submitted themselves to the will of the king of England, and he admitted them to his favor, treating them with great mercy, inflicting merely certain fines, and allowing them time for payment.”

Christmas arrived, and Edward, as his manner was, gathered his family round him. Langtoft says,—

“ To Dumfermline he went ; for rest will he there :  
 For the queen he sent, and she did dight her chare : (cheerfully.)  
 From Cawood she glent (passed) to Dumfermline to fare.”

Two or three of the rebel leaders, besides Wallace,

still held out, but they were now reduced to great extremities. Langtoft says,—

“ The lord of Badenoch, Fraser, and Waleis,  
Lived at theeves' law, and robband always.  
They had no sustenance, the war to maintaine ;  
But skulked upon chance, and robbed all betwene.”

The few nobles, however, who yet stood out, could not allow themselves to sink to the level to which Wallace had fallen. They saw the necessity for at once, and wholly, closing this great struggle. Accordingly, on the 9th of February, 1304, “ the earls of Pembroke and Ulster, with sir Henry Percy, met Comyn at Strathorde in Fife, and a negotiation took place, in which the late regent and his followers, after stipulating for the preservation of their lives, liberties, and lands, delivered themselves up, and agreed to the infliction of any pecuniary fine which the conqueror should think right. The castles and the strengths of Scotland were to remain in the hands of Edward, and the government was to be administered at his pleasure\*.”

Those who thus made their peace with the king, saving both their lives and their estates, probably performed their part, of entire submission, honestly. But there was a single instance of obstinate resistance, which, in its result, places in a strong light Edward's patient forbearance and his clemency: and yet, like many other great actions of his life, it is perverted by some writers into a proof of his want of generosity.

\* Tytler's *History of Scotland*, vol. i., p. 191.

The treaty made by Comyn and his coadjutors was the final submission of that which assumed to be the Scottish government. Peace was to be restored; and the castles and all the powers of government were in future to be Edward's. It followed of necessity, that any one who chose, after this, to maintain war against the king, took the position of a rebel. This has been an admitted law, in all nations, and in all times. We can easily call to mind the period, when it was suspected that Soult had fought the battle of Toulouse, after receiving the intelligence of Napoleon's abdication; and when it was generally felt, that if such were really the case, hanging would be his fate, or, at least, his desert. And, unquestionably, after Napoleon's departure, and the establishment of Louis XVIII., any one of Napoleon's commanders who had chosen to hold a fortress against the king, would have found the punishment of a rebel awaiting him.

But in Scotland, although the late regent and his coadjutors had agreed to deliver up the castles to the king, there was one commander who resolutely refused so to give up his charge.

The castle of Stirling, during one of Edward's absences in England, had been invested by the Scotch, as we saw a few pages back, and starved into a surrender. The regents had garrisoned it with three hundred men, and had placed it under the command of sir William Oliphant.

By the treaty recently made, this castle became Edward's, and any man holding it against him was as justly liable to suffer the death of a rebel, as if he had held against the king the Tower of London. In

fact, all men who continued a fruitless resistance, had been formally declared outlaws in a Scottish parliament held at St. Andrew's\*.

Yet Oliphant refused to submit. He at first tried the device of asking for time to send to sir John Soulis, one of the late regents, who had fled to France. But the castle was not Soulis's, nor had Oliphant received charge of it from Soulis in his private capacity, but as one of the regents ; and the regents and all the lords of Scotland had now abandoned their resistance. This transparent device, therefore, could not deceive Edward, who indignantly exclaimed, “*Am I to wait for his pleasure ?—No ; if you will not surrender the castle, defend it if you will, and abide the consequences.*”

There surely cannot be the smallest question, that if Edward, with the treaty in his hand which promised him quiet possession of all the castles of Scotland, and with the act of parliament of St. Andrew's before him, had given the garrison of Stirling notice, that unless the castle was surrendered within three days he would hang every one of them as rebels, he would have been fully justified. Yet, instead of this, he patiently submitted to the toils and perils of a long siege, in which many of his men were killed, and in which his own life was repeatedly endangered.

The castle was exceedingly strong, and the battering artillery of modern days was entirely unknown. It is probable that Oliphant, confident in the natural strength of the place, hoped that he might weary out Edward and his army, and so win for himself a lasting fame. “*The siege,*” says Mr. Tytler, “had

\* Tytler, vol. i., p. 192.

continued from the 22nd of April to the 20th of May, without much impression having been made. But determination was a marked feature in the powerful character of the king. He wrote to the sheriffs of York, Lincoln, and London, commanding them to purchase and send instantly to him, at Stirling, all the balistæ, quarrells, and bows and arrows, which they could collect; and to the governor of the Tower, requiring a similar supply\*."

Two months more elapsed before these engines could be collected and brought to bear upon the castle. Meanwhile the king exposed himself in the siege as freely as any of his men. On one occasion a javelin struck him on the breast, and lodged itself between the steel-plates of his armour. The king plucked it out, and shaking it in the air, called out to the besieged, that he would hang the man who had aimed it. On another day, a great stone, discharged from one of the engines in the castle, struck his horse such a blow, that he backed and fell. His soldiers rushed forward, and carried the king off,—crying out against his rashness; to which he only replied, "We have undertaken a just war in the name of the Lord, and we will not fear what man can do unto us†."

At last, in July, a considerable breach was effected, and the ditch was nearly filled up with the rubbish and faggots thrown into it. A general assault would now have carried the castle; but, seeing their imminent peril, the besieged sent to beg for terms of surrender. They asked for "security of life and limb,"—a request which the king would,

\* Tytler, vol. i., p. 196. † Matthew of Westminster, 1304.

doubtless, have granted readily, if preferred at the beginning of the siege, instead of at the end of it. But it was now too late. They had forfeited their lives, by all the military laws that ever were known. They had been making war for three months past, not in behalf of the king of Scotland, for there was no king except Edward ; nor yet in behalf of the regency of Scotland, for the regents had submitted, and made their peace with the king. They had made war with a king, simply to gratify their own feelings of animosity ; in a word, they were rebels, taken in the act. Hence Edward's stern reply was a just and proper one :—“I will not receive you to my *grace*, but only to my *will*.”

“Sir John de Mowbray and sir Eustace le Poor accordingly proceeded to the castle-gate, and summoned the governor. Oliphant, with his kinsman Dupplin and a squire, met the English knights, and proceeded with them to an interview with the earls of Gloucester and Ulster. At this meeting they consented, for themselves and their companions, to surrender unconditionally to the king of England ; and they earnestly requested that he would permit them to make this surrender in his own presence, and would himself witness their contrition\*.”

It is quite evident that, like David of Snowdon, who, in 1283, prayed to be allowed to see the king, they understood Edward's character ; and that their best or only hope lay in the real kindness of his heart. They came, accordingly, before the king, in the attitude and garb of criminals. Doubtless, if in the present century, such an act had been done, the doers of it, either by martial or criminal law, would

\* Tytler, vol. i., p. 107.

have been declared rebels, and would have been condemned to die. They said, "My lord, we submit ourselves to your will." The king answered, "My will is to hang you all; and if you dislike that, you may return to the castle." But they still had faith in his mercy; and they persisted in leaving themselves wholly at his disposal; kneeling before him in the attitude of criminals. At last, after a pause, "the king being moved, turned away his face for a time; and those who stood round broke into tears. He then ordered them to be sent to certain English castles, adding, "Do not chain them\*." Not a man suffered any punishment beyond a temporary confinement; except one Englishman, who had aided the Scots in getting possession of the castle. He, dragged forth and hanged, died for his treason.

Yet Edward's noble acknowledgment of their soldierly bearing, even in a cause in itself wholly unjustifiable, which was implied in his orders to put no fetters on them, is thus ungraciously noticed by lord Hailes:—"This was the only hope of pardon indulged to men whose valour would have been revered by *a more generous conqueror.*"

Why, such a conqueror as Wallace, of whom the Scots are so proud, would have butchered every man upon the spot! This, indeed, as his own eulogists admit, was his constant practice. A monarch of the ordinary kind, after having been put to so much trouble and loss by a defence which was wholly contrary to the law of nations, would have hanged up the commander, as the chief offender, and have thrown the rest of the garrison into a dungeon. The third Edward, provoked by the long but wholly justifiable

\* Matthew of Westminster, 1304.

defence of Calais, actually ordered six of its defenders to execution ; only recalling that order at the earnest entreaty of his queen. But the king now before us, after seeing many of his men killed before his eyes, and after having had his own life twice attempted, in a warfare which he knew to be wholly unjustifiable, still so far honors soldierly firmness and tenacity, that he spares all their lives, and commands that no fetters shall be put upon them. And yet, after this, he is reproached as “ungenerous!” Such is the sort of justice which this great king commonly receives at the hands of Scotchmen.

Scotland was now once more quieted and at rest. The entire surrender made by Baliol in 1296, to a superior lord who justly claimed a fief forfeited by rebellion, had now been a second time confirmed by the voluntary homage and oath of fealty of every baron, knight, or landed proprietor in Scotland. There remained but one man still contumacious,—the once terrible, but now despised William Wallace. And he, at last, wearied of the vagrant, outlaw life of the last six years, “prayed his friends that they would beseech Edward that he might yield himself on terms\*.”

The rebel leader, as we have already observed, was, for some reason or other, entirely deserted by the whole Scottish nation. We have already cited Mr. Tytler’s admission,—that during all the years which elapsed between his defeat at Falkirk in 1298, and his apprehension in 1305, “his name does not occur as bearing *even a secondary command* in the wars against Edward.” Sir James Mackintosh en-

\* Langtoft.

deavours to account for this, by saying that “the jealousy of the nobles, or the unpopularity of a signal reverse, *hide Wallace from our search* for several years.” But “the jealousy of the nobles” had not hindered Wallace from gathering an army in 1297, and another in 1298; nor did “the unpopularity of ‘several’ signal reverses,” in 1306, prevent Bruce from bringing fresh forces into the field in 1307. How it happened that, after 1298, not even a score of “men of desperate fortunes” could be got to follow Wallace, must remain a mystery. One suspicion has occurred to us, grounded upon the known facts, of his delight in cruelty, a trait which is seldom found in the truly brave; and of the absence of the slightest record of any deed of daring, either at Stirling or at Falkirk. These two facts seem to point to the conclusion,—that Wallace was taken to be, by his countrymen, during all these years, something very much the reverse of “a hero.” One trifling incident in his life is briefly mentioned as occurring during this period. Blind Harry, in his romance, sends Wallace to France, where Philip makes him “Duke of Guyenne.” But the real truth of this part of his story is briefly told us in the *Chronicle of St. Albans* (Cotton MSS.), in the following terms:—

“About this time William Waleis, with five soldiers, went to the French country, to ask aid from the king of France. And when he had arrived at Amiens, it was told to the king, who gave orders that he should be apprehended. The king then wrote to the king of England, offering to send Waleis to him.”

Apparently, however, Philip, on further consideration, felt that it might not redound much to his honor to give up a man who had voluntarily taken

refuge with him ;—and he therefore devised a middle course, by which he might get rid of the Scotch leader without putting him into the hands of his pursuers. He gave to Wallace a brief note, addressed to his representatives at Rome, recommending the rebel chief to their good offices, and through them to the pope. This note, strange to say, is now preserved among the ancient records in the Tower of London. A copy of it is given in the *Wallace Documents* (Edinb. 1841); and it is argued by the learned editor of that collection, that this note proves that Wallace went to Rome, and saw the pope. But surely it rather leads to an opposite conclusion. Had Wallace travelled into Italy, and seen the pope, we should probably have found some traces of him by the way, or in Rome itself. But no such foot-marks have ever been found. But more,—had Wallace actually reached Rome, and delivered that note to Philip's agents, how should ever it have found its way to the Tower of London ? Obviously, the more rational conclusion is, that the said note was a mere pretext on Philip's part,—a device for getting rid of Wallace ; and that the Scotch leader, having no money, and knowing it to be useless to go to Rome without money, took the note, put it into his pouch, escaped back into Scotland, and was, at last, taken with the paper in his possession. So found, the document would naturally be sent to Edward, and thus it would find its way into the usual receptacle for the state-papers of the time.

At all events, Wallace soon returned from France, and again betook himself to his forest-haunts in Scotland. And now, seeing all Scotland once more quietly at rest under Edward's authority, the obdu-

racy of this violent man began to give way. For more than five years he had lived the life of an outlaw, "having no sustenance" but "robbing always." He now approaches as near to the king as he may venture,—still hiding in the forest, and he begs his friends to apply to the king on his behalf. But the application was made in a wrong spirit. Langtoft thus describes it :—

" Turn we now other ways, unto our own geste; (affairs)  
And speke of the Walleys, that lies in the foreste;  
In the forest he lendes, of Dumfermelyn :  
He prayed all his frendes, and other of his kyn,—  
After that Yole (Christmas) they will beseke Edward ;  
That he might yield till him, in a forward (covenant)  
That were honorable to kepe wod or beste ;  
And with his scrif full stable, and seled at the lest ;  
To him and all his, to have in heritage ;  
And non otherwise, als terme, tyme and stage."

This assuredly was one of the most audacious demands ever made. The outlaw knew full well that he had sinned in no ordinary manner and degree, and that, not against Edward only, or chiefly, but against all England. His name was heard throughout the realm with rage and horror. Mr. Tytler justly describes his position in a few plain words :— " Wallace was too well aware of the *unpardonable injuries* which he had inflicted *on the English*" to conceive it possible for Edward to spare his life. He stood in the same position, or rather, in a worse position, than the Nana Sahib has occupied recently. And if it were reported at Calcutta, that the governor-general had promised to the butcher of Cawnpore his life, one universal groan of disgust would be heard throughout India. Equally difficult must it

have been for Edward to grant the ravager of the northern counties any kind of pardon. And it is with wonder, therefore, that we read, in the treaty made with Comyn in 1304, the distinct inclusion of Wallace :—"As to William Walleys, if he thinks fit to surrender himself, it must be unconditionally, to the will and mercy of our lord the king\*." In another place it is said, that "William Walleys might put himself on the grace and mercy of the king, if he thought proper." Now, as to the meaning of such language in Edward's mouth, there can be no doubt whatever. We have just seen one instance in the case of the garrison of Stirling ; to whom he had refused the least promise of grace or mercy. In fact, to be allowed to surrender, was tantamount to a grant of life at least. So, on another occasion, when his judges reminded him that "he might shew mercy" to a certain criminal, his exclamation was, "*May* shew mercy! why I will do that for a dog who seeks my grace!" On the other hand, when any one had sinned past forgiveness, like Bruce in 1306, *then* he was "not to be received ;" and the young prince was rebuked for holding any communication with him. As to Wallace, it is evident that the king viewed him in the same light as he had viewed the garrison of Stirling. He would enter into no engagement with them :—if they chose to surrender, it must be unconditionally, to the king's absolute will.

Wallace, as Mr. Tytler tells us, "was too well aware of the unpardonable injuries which he had in-

\* "Endroit de Will. de Walleys, le Roi entent, qu'il soit receu a sa volute 't a son ordainement." (Palgrave.)

† Rymer's *Placita*, p. 370.

flicted on the English" to be able to believe it possible for the king to shew him mercy ; and thus he threw away the only chance that remained to him. His demand, which we have just given in Langtoft's words,—that he should have, under the king's hand, not only assurance of his life, but also an estate secured to him, and to his heirs for ever, was just the surest way of raising the king's indignation. Obviously no pretension could have been more preposterous. He was an outlaw, liable to be taken and brought to justice ; he was poor and wretched ; and his offences, as he well knew, were such as it must be difficult for the king to pardon. Yet, instead of grasping at the single chance which was now offered him, he must needs give the king fresh provocation. And thus his doom was sealed. His offer was made known to the king, and Langtoft tells us the result:—

“ When they brought that tiding, Edward was fulle grim:  
He belauht him the fiende; als his traitore in lond:  
And ever ilkon his frende, that him susteynd or fonde.  
Three hundred marke he hette unto his warison; (reward)  
That with him so mette, or bring his hedde to town.  
Now flies William Waleis, of pese nouht he spedis:  
In moores and mareis with robberie him fedis.”

Obviously no other course could be taken. Edward had already stretched his prerogative of mercy to an extraordinary extent, by expressing his willingness to “receive” the outlaw if he made an immediate and unconditional submission. Had he so submitted and received mercy, it cannot be doubted that such lenity would have caused great dissatisfaction among the English people. But Wallace had elected to take his chance of justice, and that justice was not long in overtaking him. As two Scottish earls had guided

the king to his camp at Falkirk, so now a Scottish knight soon earned the reward offered for his apprehension. Sir John Menteith surprised him in bed, bound him, and delivered him to the English authorities\*.

Of his reception in England we may form some idea by figuring to ourselves how the Nana Sahib would be received were he conducted across India into Calcutta, or were he brought to London. Yet this comparison fails, for the atrocities of Nana Sahib were altogether trivial compared with those of Wallace. The Indian leader was stained with the guilt of one massacre, the Scotch, with the guilt of many. The Nana had slain his hundreds, Wallace his thousands,—each being the slaughterer of helpless women and children. He was carried through England a chained prisoner to his doom. He arrived in London on the 22nd of August, 1305, "great numbers of men and women," says Stowe, "wondering upon him." He was not lodged in any prison, nor was any lengthened proceeding entered into. His chief crime,—the savage desolation of the northern counties, was a matter of universal notoriety; nor did he for a moment deny it. He was therefore lodged for one night "at the house of William Dilect, a citizen of London, in Fenchurch-street;" and "on the morrow he was brought on horseback to Westminster, Segrave and Geoffrey, knights, and the mayor and sheriffs of the city, escorting him. He was placed on a bench in Westminster Hall," and his indictment was read by sir Percy Malorie, chief jus-

\* Langtoft says,—

" Sir John of Menetest followed William so nigh,  
He toke him when he feared least, one night his leman by."

tice. It charged him,—not, as the Scottish historians would represent,—chiefly or solely with rebellion, or with levying war, but with those special barbarities which, under the name of war, he had perpetrated.

Some writers lay great stress upon the circumstance, which appears in only one chronicler, that the criminal repudiated the charge of treason,—saying, “Traitor was I never, for I never gave my allegiance to the king of England.” The fact may have been so, but it is wholly immaterial. No doubt more than half the persons who have died for treason since Wallace’s days might have pleaded the same excuse. It is most probable that none of the Jesuit priests executed in Elizabeth’s days had ever sworn allegiance; and we may be sure that Thistlewood and his gang, who died in 1820, had never taken any such oath. But no one ever imagined that such a fact made the slightest difference in their guilt.

Treason, however, or mere rebellion, would never have brought Wallace from Scotland to Westminster Hall. Comyn, Fraser, and scores of other distinguished men in Scotland, had been guilty of treason and rebellion, and had received the king’s pardon. The great difference between their case and that of Wallace, consisted in those “unpardonable injuries” which, as Mr. Tytler admits, “he had inflicted on the English,” and which Edward, as the king and defender of the English, found it to be now his duty to punish. And, accordingly, his indictment justly describes him as “Willelmus Waleis, captus pro seditione, homicidiis, deprædacionibus, incendiis, et aliis diversis feloniiis.”

And so it runs throughout. It says little of his treason and rebellion,—it dwells more on his murders

and his other cruelties. It speaks of his murder of the sheriff of Lanark, "whose body he cut in pieces," reminding us of the fate of Cressingham at Stirling. Passing on to his invasion of the northern counties, it charges, that "with certain of his accomplices, he invaded the realm of England, and all whom he there found, subjects of the king of England, he slew by various kinds of deaths ;—men of religion, and monks devoted to God, he feloniously massacred ; sparing none who spake the English tongue ; but all, old men and young, brides and widows, infants and children at the breast, he murdered in a manner more terrible than could have been imagined." No denial was given to these charges ; in fact, none could be given : "He pleaded no defence," says Mr. Tytler, "*the facts were notorious.*" His ravage of Northumberland and Cumberland, "leaving nothing behind him but *blood and ashes*," was as well known and as certain a fact as the comparatively insignificant "massacre of Cawnpore" in our own day\*.

His sentence was therefore read. It was precisely such a sentence as would have been passed upon any doer of the like acts in the reign of William III., or in that of George III. It pronounced,—

"That for the robberies, murders, and felonies, of which he had been guilty, he should be hanged by the neck : That, as being an outlaw, and not having come to the king's peace, he should be cut down and beheaded as a traitor : That, for the profanations and sacrileges committed by him, he should be disembowelled and his entrails burnt : And that as a warning to others, his head should be affixed to

\* See Appendix J.

London bridge, and his quarters in the towns of Berwick, Newcastle, Stirling, and Perth." This judgment was carried into effect immediately.

This "barbarous sentence" is exclaimed against by most of the Scotch historians; but their protests are strangely inconsistent and forgetful. In Edward's day, and for centuries afterwards, it was thought right and necessary to visit great crimes with great punishments. These complex sentences did not begin,—we have already remarked,—in Edward's day, but long before; and they were continued for many centuries afterward. In Elizabeth's day, when Walsingham and Burleigh, Jewell and Hooker, flourished, many Jesuit priests were sentenced to the same death which Wallace suffered, for merely conspiring against the queen. Later still, we find Montrose sentenced, by a very religious government in Scotland, to nearly the same death. And in England we find William, lord Russell, the Christian patriot, in 1680, *protesting against the omission* of the hanging and quartering in the case of lord Stafford. In fact, the refinement of feeling which, in our day, revolts against these disgusting details, had *no existence* in the fourteenth century, nor for several hundred years after it; and to censure Edward for the cruelty of this sentence, is as irrational as if we were to blame him for wearing armour, or for not using gunpowder. For more than four hundred years after Wallace's death, no Englishman ever dreamed that there had been any peculiar cruelty in the mode of his execution.

One victim, then, and one only, had fallen on the scaffold; and even that one, had he thrown himself on Edward's mercy, would have been spared. But when, especially in those hard and iron days, was

so great a change effected at so small a cost ? When was a kingdom in insurrection restored to peace with so little of bloodshed, or even of minor punishment ?

And now, there being “neither adversary nor evil occurrent,” the king determined once more to attempt a thoroughly friendly and conciliatory settlement of affairs in Scotland. In his usual frank and manly way, he resolved to throw himself into the hands of the Scotch, and to desire them to advise him as to the best plan for the government of the country.

He called upon Wishart, the bishop of Glasgow, who had already been twice or thrice in arms against him ; upon Robert Bruce, who had more than once given him cause for complaint ; and upon John Mowbray,—to consult together, and to agree among themselves as to time, place, and other arrangements, for holding a parliament specially about the state and affairs of Scotland ; so that all things should be settled to the full content of the whole Scottish people. At their suggestion a parliament was held at Perth, in which ten commissioners were appointed to confer with the king in London upon Scottish affairs. To these Edward added ten Englishmen, with several of the judges. All these were sworn to give the best advice in their power, without suffering themselves to be biassed by friendship or interest. The result of their deliberations was, that John of Bretagne, the king’s nephew, should be appointed governor of Scotland, with the assistance of the present chancellor and chamberlain: that for the administration of justice, Scotland should be divided into four districts,—Lothian, Galloway, the country

between the Forth and the mountains, and the highlands,—to each of which districts two justiciaries, an Englishman and a Scotchman, should be appointed: that sheriffs and escheators should be named for the several counties: and that the laws of David king of Scots should be read in an assembly of the people of Scotland, for revision and amendment.

On the 16th of September, 1305, a great council met on the affairs of Scotland, at the New Temple in London. There were present the bishops of Glasgow and St. Andrew's, two Scotch earls, and several barons; and the sitting lasted for about twenty days. A variety of points were discussed and settled, and at last the commissioners came before the king, at his manor of Sheen in Surrey, and read the ordinances which they had made; which he then approved and confirmed. They then all swore upon the Holy Gospels, "Robert Bruce," says Mr. Tytler, "acting a principal part," for themselves and their heirs, and for the whole people of Scotland, that they would faithfully keep and observe the said ordinances. "They then took leave of the king, and returned home, with great appearance of joy and satisfaction."

In a few days after this, the king issued *Forma pacis Scotiae*,—the Form of the peace of Scotland,—in which he recounts,

"That the people of Scotland, after they were bound to us by oath of fealty, and by their written engagements, did by evil advice make war upon us, committing murders, robberies, burnings, &c., not only in Scotland, but in parts of England also;—but that afterwards many of them returned and were received into our peace and favor; and now John Comyn of Badenoch, and others of his party, desire

to be so received:—now we, willing to do them special grace, have granted, and do hereby grant, that their lives and liberties shall be safe, and that they shall not be disinherited. And we also pardon the crimes aforesaid, and remit the anger we had against them, they being bound to pay the fines hereinafter mentioned.” Then follows a schedule of one, two, or three years’ fines, on the principal persons concerned in the rebellion.

And so, apparently, was Scotland a second time pacified and brought under regular government. Not a voice was now heard to disturb the general tranquillity. One execution only, as in the case of Wales, had been found necessary. One man in each of the two countries had gone beyond the bounds of legitimate warfare, and had by special crimes called down upon himself a special punishment. But to Scotland itself, as to Wales, the conduct of Edward, both in 1296 and in 1305, was generous, wise, and thoroughly noble. Still, these excellencies could not protect him from treachery, perjury, and a third rebellion. Before, however, we can proceed to this, the last scene in Edward’s life, we must pause for a moment, to pass in review some important English transactions.

## CHAPTER THE THIRTEENTH.

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### THE DISAFFORESTING CONTROVERSY.—THE COM- MISSION OF TRAILBASTON, &c. &c. &c.

A.D. 1299—1305.

A CONTROVERSY of some duration sprang up in the latter years of king Edward's reign ; and it is one which can only be properly understood when disentangled from the other contentions in which he was involved, and considered altogether apart. We allude to the strife which continued during all the years between 1299 and 1305, on the subject of the proper execution of the Charter of Forests. We have already remarked, more than once or twice, that most of our historians have confused the question, by speaking in general terms of Edward's unwillingness to confirm "the charters,"—a vague way of speaking which entirely clashes with what we know of Edward's continued efforts, during more than twenty years, to strengthen and enlarge Magna Charta, by turning it into statute-law. And we have also explained, that the points which were really in dispute were these two :—first, the king's right of taking "talliages or prises" without consulting parliament ; and, secondly, a reduction of the royal forests, under the name and form of "a new perambulation."

In tracing the history, and the result, of these

two struggles, it is of great importance to remark, at the outset, that Edward had reigned for *a quarter of a century* before any controversy on either of these points broke out. From 1272 to 1297 had the king lived among his people, usually meeting his parliament twice or thrice in each year, and during all that time not a syllable had been heard, either of any burdensome "prise or talliage," or of any desire for "new perambulations." In fact, the real and primary authors of all his troubles during the last ten years of his life, were, Philip of France abroad; and the restless and crafty Winchelsey at home. Until disturbed and molested by these two men, Edward had been able so to conduct his affairs as to leave his subjects almost free from taxation. And during all these five-and-twenty years, we hear no complaint, either of "the public burdens," or of any mismanagement of the royal demesnes. This long period of peace and contentment was terminated, at last, by Philip's seizure of Gascony, and by Winchelsey's attempt to gain for the church an exemption from taxation.

No one, surely, will for a moment deny, that Edward was wholly blameless in both these quarrels. To have patiently or sluggishly submitted to the treachery and fraud practised by Philip, would at once have removed Edward's name from the highest place among English kings, and would have degraded it to almost the lowest. He had no choice in this matter, but between resistance or dishonor. Equally certain is it, that the immunity claimed by the pope and the primate, for the clergy, in the matter of taxation, was a pretension utterly untenable and unjust, and one which the king was bound to resist.

But while Edward thus felt himself "thrice armed" in "having his quarrel just," he found himself beset by difficulties through the failure of his accustomed supplies. Hence he was driven, by dire necessity, to some of those extreme measures which dictators, in any great peril of the state, often feel themselves compelled to use.

And thus arose that kind of opportunity which often produces "patriots." Two of the great nobles, Hereford and Norfolk, evidently disliked the war. They would not go to Gascony *without* the king;—they would not go to Flanders *with* the king. In what way they would have preserved the honor of England under Philip's fraudulent aggression, has never been explained. They contented themselves with finding fault, and raising difficulties. In their remonstrance presented to the king just before his departure for Flanders, they complain of the burdensome taxation to which they had recently been subjected. They also add, in one brief and vague sentence, an allegation, "that the charter of forests is also violated by the king's officers:"—but no demand for a perambulation or any other remedy is advanced by them. The first of these two complaints was admitted and the remedy applied, that same autumn, by a fresh grant or confirmation of Magna Charta, with a new clause, prohibiting the arbitrary levy of "prises or talliages," without consent of parliament. And so ended that part of the controversy. But the remaining clause in their petition, which opened, in the vaguest way, the question of the forests, was left for future discussion. The earls had not, yet, preferred any definite request or demand.

Such a question, however, when once mooted, was

not very likely to sink into forgetfulness. For it concerned the possession of property,—the right to large landed estates. The “earl” of a county was, in some sense, the proprietor of that county ; or, at least, somewhat more than the nominal lord of it. And a royal forest, situate within it, was just so much taken from the earl’s estate ;—and hence, if in any way he could reduce the limits of the forest, he added, thereby, and to the same extent, to his own territory.

Hereford and Norfolk had already dared the king’s anger, once or twice, and had suffered nothing by their audacity. And now, whether prompted merely by their own obvious interests, or advised by Winchelsey, who seems to have been always their counsellor, they boldly demanded “a new perambulation.”

For five-and-twenty years, as we have already seen, had Edward reigned, without a complaint having been made with reference to the royal forests. It is only in 1297 that the first murmur reaches him, that “the charter of forests is violated by the king’s officers.” He is then just embarking for Flanders ; but so far from slighting or disregarding this complaint, on his return, in 1298, he issues a commission to the earl of Lincoln, the earl Warrene, the bishop of London, the bishop of Lichfield, Robert Fitzwalter, and William le Latimer, “to enquire into all prises, trespasses, and oppressions, committed by the officers of the forests.” No backwardness, then, can be charged against Edward, in his mode of dealing with this question.

But a “redress of grievances,” though at first put forward as their object, was not the real object at which the two earls were now aiming. In 1299 and in 1300, parliaments were held in London, and in each

year the demand put forward is, for "a new perambulation," and a "disafforesting." This was a new move in advance,—a direct aggression. The only object that a "perambulation" could have, clearly was, to take something from the royal forests. If it did not mean this, it meant nothing.

Now this was assailing the king in a manner most disagreeable to his feelings. As we have already seen, he was jealous of any encroachment on the rights of the crown, and held it to be his duty sedulously to preserve those rights from any diminution. He had never been charged with any attempt to encroach upon others; yet now an attempt was made to encroach upon him. For the principle adopted was, "that all additions made to the forests since the coronation of Henry II., should now be disafforested." Thus domains which had been in the possession of the crown for nearly *one hundred and fifty years*, might now be taken away.

"The royal forests were part of the demesnes of the crown. They were not included in the territorial divisions of the kingdom, civil or ecclesiastical; nor governed by the ordinary courts of law; but were set apart for the recreation and diversion of the king." And this kind of recreation was the favorite occupation of Edward's leisure-hours. He engaged in it with all the ardour of a naturally-impetuous mind. On one occasion we read of "the great hunt in Inglewood forest, in which 200 deer were killed;" on another, of his horse's falling dead under him;—and in a variety of ways we are made aware of his especial fondness for this diversion. Hence, on every ground,—as an aggression on the domains of the crown, even after a century of quiet possession; and

as an attempt to interfere with his own private recreations,—Edward felt disposed to dislike and reject this proposal.

But the two earls, doubtless advised by Winchelsea, felt that they had the king at a disadvantage, and they continued to press him closely. The same motives which actuated them, must weigh, they well knew, with almost every baron in parliament. Every landed proprietor who had a royal forest in his neighbourhood, might hope to gain something by an investigation of the king's title, and an inquiry as to the proper boundaries. Nor could Edward peremptorily reject their requests ; for Scotland was still in an unquiet state, and the king could only put down those disturbances by the help of his barons and his parliament.

In 1297, as we have seen, the complaint of the two earls was, "that the charter of forests is violated by the king's officers." In 1298, bearing in mind this complaint, the king issues a commission, to two earls, two bishops, and two knights, "to enquire into all oppressions committed by the king's officers." But, not satisfied with this, in 1299, the charters are again mentioned in parliament, and now the real object,—*disafforesting*,—peeps out. A new "perambulation" is loudly demanded, and it becomes evident that an important reduction of the domains of the crown is the object aimed at.

So long as the two earls had merely asked for a confirmation of the charters, or for enquiry into the misdoings of the officers of the forests, the king had listened patiently ; and had, in fact, conceded all that they desired. But when they urged these new demands, he grew impatient, and, as twilight was coming

on, he rose and left the meeting,—telling them that he was going out of town\*. The sitting consequently broke up, not without some anger. But the king's marriage with Margaret of France took place that autumn; and apparently, being in a good humour, and having reflected on the matter in all its bearings, he resolved to gratify the earls so far as to order a new perambulation to be made. Commissions were issued, as we find in Prynne, either in 1299 or 1300, to a great number of the counties, for inquiries into, and reports upon, the boundaries of the royal forests. And thus, when the parliament met, in the Lent of 1300, in Westminster, the king was able to inform the members, that the perambulations which they had desired were then in progress; and that the reports would be ready early in the next year. At that parliament, also, he passed, as we have mentioned in a former chapter, a new statute "on the charters," which explained and strengthened them on various points,—more especially as to "illegal prises and talliages" made by officers of the crown.

Of the great parliament of Lincoln, held in 1301, we have already given some account. It deserves to be ever remembered in England, on various grounds. It was a large and full assembly, containing, in just numbers and proportions, those same elements which are combined in the British parliament of the present day. It had its earls, and barons, and prelates, in number about one hundred and fifty;—its knights of the shire, in full tale;—and its borough representatives, in still more numerous array. Its proceedings, too, began to assume that sort of form or order which

\* Matthew of Westminster.

has been preserved in most free representative assemblies, from that time to the present. The king sent down to "his faithful lords and commons" a message or speech; to which they, after due deliberation, returned a reply. Motions were made, and an address presented to the king, for a change of ministers;—and the parliament even went so far as to ask to be allowed to name the ministers of the crown. The king, in his turn, gave such a reply as, it may be hoped, a British sovereign of the present day would be advised to give, to any such demand. After a while, this heated and personal contest abated; the king made some important concessions; and the parliament granted a supply. Lastly, the pope's audacious claim to the sovereignty of Scotland was taken into consideration; and a resolute and thoroughly English answer was given to the pontiff's arrogant pretensions. On the whole, there have been few assemblies of this kind, held in England, which have better deserved to be held in honorable remembrance, than this parliament of Lincoln.

Its mode of dealing with the foreign question has been described in a former chapter. Its reply to Boniface terminated that controversy. But of the discussions which took place on domestic matters we gain only a few glimpses, which shew, however, so much of the animation and importance of its debates, as to cause deep regret that we have no detailed record of those discussions. Two facts we learn, from allusions to these proceedings made in following years: first, that Winchelsey was a prime though concealed mover in all the attacks made upon the king:—and secondly, that under his advice, the earls took another large step in advance; and, seeing

that they were likely to obtain the perambulations, now asked, under the crafty primate's instructions, a further concession, which he well knew the king was not likely to grant.

The *Parliamentary Writs* give us some insight into the form and order of public business which had already come into use. Thus, we have a writ dated "Rose Castle, Sept. 25, 1300," addressed to Walter of Gloucester, which recites, "That the said Walter and others had been assigned to make perambulations of the forests: that the king wishes to proceed thereon with the advice of the prelates, earls, barons, and others, without whose counsel the business cannot be duly despatched. That the king wishes to have a *colloquium* with the prelates, earls, barons, and with the rest of the *communitas* of the kingdom, respecting the perambulations, and on other arduous affairs concerning the king and kingdom. The said Walter is therefore enjoined to be before the king in his parliament at Lincoln, within eight days of Hilary, Jan. 20, 1301, to treat and advise with the prelates and magnates, and others of the *communitas* of the kingdom, on the said affairs: and he is to bring with him all the perambulations made by him and his fellows, with all documents relating to the same."

There are also other traces of preparations made by the king for this discussion. Thus, in the autumn of 1300, we find a writ dated from "Rose Castle, Sept. 26," by which the sheriff of Cumberland is enjoined to send two knights for his county, and representatives from each city and borough; and to cause them to have their expenses. And also, to see that proclamation is made, that all who had lands or tenements within the boundaries of the forests, and who

wished to impeach the perambulation, should appear before the king in his parliament at Lincoln, to shew cause against the same. Another writ is addressed to the Justice of the Forests north of the Trent, desiring him "to cause all the foresters in his bailiwick to appear before the king in his parliament at Lincoln, to give counsel in the premises."

Next, parliament being assembled, we have the "Bill," or royal message, sent down from the king to the prelates, earls, and others, on the 20th of January so appointed. It is, probably, the first example of such a document that exists upon our records ; and for plainness, directness, and a wise and conciliatory spirit, it has, we apprehend, seldom been exceeded.

"The king wills that the perambulations of the forests shall be shewn to the '*bones gentz*' who are come to this parliament. When they shall have examined the same, and shall have considered the evidence which is to be produced, the king wills that the perambulation shall stand, if they advise that it shall be so ; and that the king can assent thereunto without violating his coronation-oath, and disinheriting the crown. If any matters require to be redressed or changed, let it be done in such convenient way as they may advise and provide ; or, if this please them not, let some middle way be provided, so that the business may be settled in a convenient manner ; having regard to the dignity of the crown, which shall not thereby be affected ; and so that their oaths, and the oath of the king, relating to the rights of the crown, may be saved."

In the *Parliamentary Writs*, the final result, or conclusion, to which this parliament seems to have

come, is given immediately after the royal message. In this, however, as in many other similar cases, the formal record of the business transacted, affords but a faint and imperfect idea of the character of the debates, or of the real object of the principal movers in the transaction. But, fortunately, two or three chronicles of the period remain, which are entirely in agreement with each other, and which shew, that the turbulent and ambitious primate had succeeded in forming a powerful and a treasonable confederacy, and in bringing matters to the very verge of a civil war.

The *Chronicle of St. Albans* says :—

“The parliament was protracted by numerous disagreements among the nobles. They had formed a plan to harass the king, and provoke him to anger, by demanding a right to appoint the chancellor, the chief justiciary, and the treasurer.” The king is said to have replied,—“Would ye deny us a right which every one of you enjoys? Each head of a house among you has power over that house. Why do ye not demand the crown itself?—you might as well do that as make it a shadow. In your own households ye may prefer,—ye may pass over,—ye may depose this man, or that. And would ye deny us the same right? Nay, truly, the king shall appoint his chancellor, his justiciary, his treasurer, during his own pleasure; *or else king we will not be.*” He added, “If our justiciary, or any officer shall do unjustly, and the offence is not punished, then, indeed, complain if ye will.”—“Straightway,” continues the chronicler, “those who had urged the demand, blushed. Many, however, preferred the *confederacy* and war, to peace; and this preference did not escape

the king's notice. But when the nobles generally saw how vain their demands were, they humbled themselves before the king, and asked pardon for their presumption."

Of the same transactions, Peter Langtoft gives this account :—

"The erles and barons at their first summoning,  
For many manner reasons 'plained to the king.

\* \* \* \*

And next they made plaint of his Treasore;  
That evil things attaint he maintained thro' power.

"Of many has it been told; to thee we 'plain us here;  
Him for to remove through common assent.  
Assign it for more prow (honor) to this parlement;  
That can that office give, and do the right usage."

\* \* \* \*

The king's answer was smart :—"I see ye will,  
Thro' pride of heart, revile me with unskille:  
And so low me to chace, mine officers to change,  
And make them at your grace;—that were me over strange.  
There is none of you, but he will at his might,  
Have sergeants for his prow, withouten other sight.  
Shall no man put through skille his lord lower than he;  
Ne I nor shall nor will, while I your king shall be.  
If any of mine make strife, or taken thing not right,

\* \* \* \*

That wrong I will so mende, if that it be attaint,  
That none shall come or send, to make more plaint.

\* \* \* \*

The parties were so felle altercande on ilk side,  
That none could easily tell, whether war or peace would tide.  
But God that is of might, and may help when he will,  
For both the parties dight, and put them in his skille."

We gather, then, from these two contemporary writers, that a confederacy had been formed, and that even civil war was contemplated by some of the parties. But what occasion, what provocation, had the

king given, for any such extreme and violent course ? For several years past, powerful and courageous as he undoubtedly was, his whole course had been one of concession. First, the two earls, disliking the war in Flanders, begged him to excuse them, and to appoint substitutes in their room. He accepted their excuses, and appointed substitutes. They then sent after him to Flanders, a request, that he would add a new and important clause to *Magna Charta* ; and also would pardon their offences. He granted both of these requests. Next, remembering that they had complained of offences committed by the officers of the forests, he issues, on his return home, a commission to enquire into this matter\*. Their next demand is, for a new perambulation of the forests. This, as a direct aggression, excites his anger ; but, after a little consideration, he issues writs conceding this point also. And now he meets his parliament with a mass of “reports of perambulations,” and desires them, in the most conciliatory manner, to counsel him, whether they think that these perambulations should stand, and be accepted, or whether they desire any other course to be taken. What, then, in the king’s whole conduct, had given any ground or provocation for this “confederacy,” in which even civil war was contemplated ? Clearly, nothing.

Yet the fact, which is thus briefly stated in the *St. Albans’ Chronicle*, is confirmed by three other documents. In Leland’s *Collectanea* we find extracts

\* And not only so—but we find writs of the date of May 1300, appointing three justices in Leicestershire, and the like in other counties, “to hear and determine in a summary manner, all complaints of transgressions against the charters.”

from *Pakington's Chronicle*, one of which runs thus: —(under the date of 1302):—“There was opened to king Edward *a conspiracy*, wrought by the archbishop of Canterbury, and divers counts and barons against him.” Again, *William Thorn*, a monk of Canterbury, narrating Edward’s speech to Winchelsea, when he remitted him to the pope, states the king to have reminded the archbishop, of “*the treason* which at our parliament at Lincoln you plotted against us.” And, in 1305, Edward, in issuing a new “ordinance of the forest” says, in it, that “he was minded that the perambulation should stand; *albeit that the thing was sued and demanded in an evil point.*” Thus, again and again we find traces of the fact which is stated in the *St. Albans' Chronicle*, that the archbishop and some of the barons had entered into a confederacy, in which war (*i. e.* rebellion) was seriously contemplated as possible.

Edward’s firmness, moderation, and skill, however, proved more than a match for Winchelsea, and finally extricated him from this perilous situation. While he utterly rejected the demand, that he should give up the nomination of his own ministers, and so make the crown a mere shadow, he himself proposed a middle course. Langtoft described him as saying,—

“ Of this I grant this morn, that ye trie this thing  
With six-and-twentie sworn,—if I to your asking  
May accorde right well, the crowne for to save  
Dismembered not a whit,—your asking ye shall have.”

“ The wisest of the clergie, with erles and barons,  
Together went, to trie of their petitions.”

This “select committee” finally brought matters to a practical issue. It must have been judiciously and fairly selected; for while we find, on one hand, proofs

of Winchelsea's presence and influence, in the reservation of the question as to the taxation of the clergy; the demand for a transfer of the regal authority to parliament, in the matter of the nomination of ministers, dwindles down to a request, that "auditors" be appointed; which request the king declines to grant. The final result is given in the *Parliamentary Writs*, in the shape of a reply of the parliament to the royal message. In that reply, the parliament says, that "the 'gentz de la communauté de la terre' shew unto the king, that they dare not answer which of the two ways should be adopted; on account of the perils which might ensue." But, instead of adopting or rejecting the king's proposal, they submit for his consideration twelve articles, or propositions: these, generally, are to the following purport:—That the great charters be observed: that all statutes contrary thereto be repealed: that the powers of the justices to be named for the maintenance of the charters, be clearly defined: that the perambulations not yet completed be finished by the Michaelmas next ensuing; &c. &c.

To nine of these propositions the king gives his immediate assent. To two he gives qualified and doubtful answers. To one only,—that in which the barons say, that they cannot insist on the taxation of the clergy, against the will of the pope,—the king gives his distinct disapproval. We shall give these three articles in the Appendix\*, together with the answers of the king.

These twelve articles, then, with the king's assent to nine of them, seem to have ended the disafforesting

\* See Appendix K.

question, so far as this parliament was concerned. As a general result, we may say, that the king had piloted the vessel of the state through a difficult and perilous passage. The confederacy was defeated. Winchelsey's purpose, of weakening the crown by involving it in war with the barons, was frustrated. Edward succeeded in keeping his parliament together. There were no "withdrawals in anger," as there had been on previous occasions. The barons, including even Hereford and Norfolk, passed on to the next question, the letter of pope Boniface; and they gave that letter a fitting reply. They then voted the king a fifteenth, and agreed to join him, in the summer, for a march into Scotland.

On the other hand Winchelsey had succeeded in doing some mischief. Though it is impossible, at this distance of time, to learn the details, it seems tolerably clear, that the king was obliged to yield, in the matter of forest-boundaries, more than he felt to be right and just. This clearly appears, in the occurrences of the following years. And, whatever wrong of this kind may have been done, the primate strove to render firm and irrevocable, by rising, at the close of the assembly, and pronouncing the greater excommunication against all who should depart from the agreement then made. He also adhered to his former course, of refusing to give the king any "aid" from the funds of the church.

And so ended this great parliament,—an assembly of the most remarkable character, whether we look at its patriotic and spirited reply to the pretensions of the pope; or at its large and full exercise of all the proper duties of a representative assembly. With reference to the disafforesting controversy, it seems to

have disturbed, rather than settled, the question. It established those new and reduced boundaries which had for some time previous been demanded ;—but, effecting this in a sudden and abrupt manner, it left occasion for many subsequent alterations.

The next step we perceive to have been taken, is one, which, like many other of Edward's acts, has been grossly misrepresented by some prejudiced historians. It is said, in some of their narratives, that he “persecuted the two earls ;” and it is always implied, that his animosity was excited by their zeal for “the charters.”

Now, if we look closely at the king's steps, we shall find him perpetually associating with these two noblemen on friendly terms, long after they had opposed him in the matter of the charters. But the question he had now to deal with, was one of high treason. It was the same for which many great men, in various periods of the seventeenth and eighteenth centuries, *died on the scaffold*. Yet Edward dealt with it in the most noble and generous way.

“There was opened to king Edward,” says Pakington in his *Chronicle*, “a conspiracy, wrought by the archbishop of Canterbury, and divers counts and barons, against him, at such time as he was in Flanders. And when the earl marshal was examined of this, and was not well able to clear himself, he made the king his heir, and put him in possession of all his lands. And the king gave him his lands again during his life; and also land of £1,000 value in addition.”

Several of the chroniclers state, that the earl had no children, and was on bad terms with his brother, who was a wealthy ecclesiastic. But, whether this

were so, or not, it is clear that the charge brought against him was one which involved him in great peril. Not only the writers whom we have already quoted, but Walsingham also, states, that it had been contemplated to employ *force* against the king. Now any man, called before the king's council on such a charge as this, would perceive, that not his estates merely, but his life also, was in danger. Hence his wisest and safest course, especially with such a monarch as Edward, was, an immediate and frank submission.

And such a course, with the king, always led to a restoration of good feeling. In the days of the Stuarts, a nobleman who had been guilty of "conspiring against the king," would soon have found his way to the scaffold. With Edward, the usage was very different. A face-to-face encounter, — a frank confession and surrender on the earl's part, was soon followed by forgiveness on the part of the king, and so the whole quarrel ended.

The case of the earl of Hereford differed in one important respect from that of Norfolk. The conspiracy spoken of by Pakington was said to have been commenced in the year 1297, when the king was in Flanders; although its last and most strenuous effort was made in 1301. But the earl of Hereford, who had been Norfolk's supporter in 1297, had died in the autumn of the following year, and the present earl was a young man, his son. He had probably merely followed in his father's steps, without any deep involvement in the plot. The king called him to an account, as well as Norfolk; but the young man found a different way of making his peace. He asked for the hand of one of the king's daughters;

and, having, like Norfolk, pleaded guilty, he surrendered, like him, his estates to the king, receiving them back again with the hand of the young princess. And so ended this transaction, which some historians have described as a “persecution” of the two earls.

Winchelsey, then, had not only been foiled, but the king had fully succeeded in breaking up his “confederacy.” Without severity or vengeance of any kind, Edward had fairly taken the two earls away from the primate; and was now at liberty to deal, at his leisure, with the chief conspirator.

It seems probable, too, from a circumstance which will presently appear, that the young earl of Hereford, on becoming the king’s son-in-law, had given Edward full explanations as to the past, and had placed in his hands written evidence against Winchelsey; for, shortly after, we find the king resolving to take decisive measures against the archbishop. But with Edward all was orderly and legitimate. Winchelsey had no reason to fear the fate of Thomas à Becket, or of the archbishop whom Henry IV. sent to the scaffold. The king under whom he lived could resolutely withstand either a pope or a primate, when he felt his own cause to be a just one;—but his respect for the church, and for the forms of law, was sincere and deeply rooted. He had the highest kind of complaint to prefer against this intriguing and turbulent prelate; but he resolved to lay it before the pope, and to send the cause to him for judgment. His ambassadors therefore placed the matter in the hands of the pontiff, who immediately cited the archbishop to Rome, to answer for his conduct. William Thorn, a monk of Canterbury, thus describes the next scene:—“When the archbishop knew that he was

thus cited, he went to the king to ask for permission to cross the sea. And when the king heard of his coming, he ordered the doors of his presence-chamber to be thrown open, that all who wished might enter, and hear the words which he should address to him. And, having heard the archbishop, he thus replied to him :—‘The permission to cross the sea which you ask of us we willingly grant you ;—but permission to return grant we none :—bearing in mind your treachery, and the treason which at our parliament at Lincoln you plotted against us ;—*whereof a letter under your seal is witness*, and plainly testifies against you.’ ‘We leave it to the pope to avenge our wrongs ; and as you have deserved, so shall he recompense you. But from our favor and mercy, which you ask, we utterly exclude you ; because merciless you have yourself been, and therefore deserve not to obtain mercy.’”

And so we part with Winchelsey, who disappears from this history ; not returning to England until the weak and troubled reign of Edward II. gave him re-entrance, and supplied him with new opportunities for treason and conspiracy ; all his plans and objects having one end in view,—the prostration of the royal authority at the feet of the pontifical. But, in taking leave of him we feel inclined to contrast, for a few moments, his character with that of another prelate to whom he was, in this parliament of Lincoln, especially opposed. It will be remembered, that one especial demand of the “confederacy” was, the dismissal and disgrace of the king’s treasurer ; and the concession of the future appointments to that office, to the parliament. Now this treasurer, against whom the conspirators preferred such complaints, was

Walter Langton, bishop of Chester. And the guiding spirit of the conspiracy was, as we have seen, Robert Winchelsea, archbishop of Canterbury. Let us, then, briefly sketch the history of these two men,—one of whom was Edward's principal domestic foe; the other, his most trusted servant and minister.

Robert Winchelsea, who came to the primacy in 1295, was as restless, arrogant, and intriguing an ecclesiastic, as had filled the archiepiscopal chair since the days of Thomas à Becket. In fact, he seems to have been selected by the enterprising Boniface VIII., as a fit agent to carry on the work of Becket and Pandulph. But, to do this with any efficiency, under such a prince as Edward, it was necessary to affect the tone and language of Stephen Langton.

As an ecclesiastical superior, Winchelsea was arrogant and tyrannical. He had one long contest with the monks of St. Augustine's in Canterbury; another with the earl of Lancaster; one year we find him excommunicating the constable of Dover Castle; the next, the bishop of London; the next, the prior and canons of Gloucester, and so on to the end of the story. But these were merely the amusements of his leisure hours. The grand business of his life, as of Becket's, was to bring, if possible, the crown into subserviency to the papal tiara.

He had no sooner landed from Rome, and taken possession of his see, than he convened, says Matthew of Westminster, some of his suffragans in the church of St. Paul, London, "for a special discussion *on the liberties and customs of the church*;—reviving and re-establishing certain constitutions which had been approved by the holy fathers, but which, by neglect,

had fallen into disuse." The real drift of all this "revival of certain liberties of the church" soon appeared. A very few months had elapsed, before the king was compelled, by Philip's seizure of Gascony, to call upon his subjects for aid; and at once the archbishop revealed his real purpose, by producing a papal mandate, which he, probably, had brought with him from Rome, forbidding the clergy any longer to grant "aids" to the king without the special permission of the pope.

This novel assumption, which at once made the pope, and not the king, the ruler over a large part of England, might have succeeded in either of the two preceding, or in the succeeding reign; but in Edward, the crafty churchman had met with more than his match. By making them practically feel the meaning of the word "outlawry" the king soon brought the clergy to a clearer understanding of their real position.

But, though defeated in his first attempt, Winchelsea was not discouraged. Unable, alone, to cope with the power of the crown, he immediately began to form "conspiracies" and "confederacies" with any whom he perceived to be discontented. And in this way, by fostering and encouraging the resistance of Norfolk and Hereford, he managed to keep the king in a state of conflict and discomfort from 1296 to 1301; and in this last year, he had proceeded to the verge of a civil war. The king, at last, irritated and seriously aggrieved, sent him to the pope for judgment, and so, in effect, cast him out of the realm. But the man, and his plans and purposes, remained unchanged. So soon as this great king, the only person who could control him, was gone, Winchelsea

crept back again into England, and we soon find him, under the weak and incapable Edward II., leading the discontented barons, and again attempting to enact the part of Stephen Langton. Such was Winchelsea,—a fit agent of the papal court; but to England, a troubler and an intestine foe.

Contrast with him the man who, in confederacy with the discontented barons, he essayed, in 1301, to crush,—Walter Langton, bishop of Chester, the king's treasurer, and one of his most valued servants. Had we no further knowledge of this prelate than the fact, that the conspirators at Lincoln prayed the king

“Him to remove by common assent,”

we might feel a doubt, whether the king had shielded an unworthy favorite, or the barons had conspired against an officer of inconvenient integrity. Happily, we are enabled to discover a few other facts respecting Walter Langton, and those facts all redound greatly to his honor.

Foremost of these, must be placed his steady resistance to the excesses of the young prince, and his favorite Gaveston. The king was now in the decline of life; and the young Edward had every prospect of being king in a few years. Langton was treasurer, and had the duty assigned to him of providing the young prince with a regular and a liberal income. What could have been a more obvious policy, with any minister of flexible morality, than to cultivate, by any practicable means, the good opinion and the favor of the young prince and of his minion? Yet we find Langton, during all the latter years of this reign, in a state of constant warfare with young Edward and with Gaveston. And as one very natural

result,—a result which the bishop himself must always have contemplated,—we find Edward II., as one of his first acts on ascending the throne, depriving Langton of all his offices, throwing him into prison, and granting to Gaveston all the moveable property of the deprived prelate. This single fact, of itself, is sufficient to give us a favorable impression of Langton's character. To have withstood the follies of the young prince and his favorite, and to have been persecuted by them for so doing, are surely circumstances which tell much in Langton's favor. But they do not stand alone.

Two or three years pass over, during which the poor ex-treasurer languishes in prison; while his enemies are occupied with the endeavour to find evidence to warrant his condemnation. The discontented barons at Lincoln had brought "many complaints" against him. If he had actually wronged any man, that person would now have the strongest reason for laying the crime to his charge; for in so doing he would not only gratify his own natural desire for vengeance, but would also please those who were now in power. But what do we hear? After being immured in a prison for nearly three years, Langton is at last released,—there being no case against him. Under all the circumstances, we doubt if any higher or more triumphant proof of the integrity of the ex-treasurer's character could have been given.

But even this is not all. Winchelsey, the restless intriguer, has now returned, the only man who could keep him in check having been removed; and this factious ecclesiastic at once resumes his former work, just where he had been forced to drop it; and begins to conspire against the son, as he had been used to do

against the father. The “confederacy” of the barons is revived, and Winchelsey is again its inspiring genius. What could have been more natural than for Langton, indignant at the persecution which he had endured, to have joined with eagerness this confederacy, the main object of which was, to get rid of Gaveston, the cause of all his sufferings ? But the course taken by this honest minister was one of singular integrity. He had been “imprisoned, deprived of his offices, and stripped of all his property ;” and yet, after all, his persecutors had been obliged to admit his innocence, and to let him go free ; and now “he was the only prelate who refused to join the confederacy against Edward II.\*” Notwithstanding all the wrongs which he had received at the young king’s hands, this noble-minded man remembered his great master, and that master’s faithful support of him against his enemies at Lincoln ; and he refused to take part in any conspiracy against that master’s son. But the proof of Langton’s purity and integrity does not even end here. He had been released,—the charges against him were now known to be groundless ; but one more evidence, of the highest kind, was yet to be given. Three or four years after he had ignominiously expelled the bishop from his office, and ordered his imprisonment and his prosecution, the young king himself felt compelled to pay a reluctant tribute to Langton’s ability and integrity, by actually asking him to resume the treasurership, and to serve him as faithfully as he had served his father ! Considering all the past quarrels between these two men, and their frequent collisions and con-

\* *History of Lichfield Cathedral*, p. 57.

sequent ill-blood, this application must be admitted to be one of the most striking proofs of integrity that an expelled and disgraced officer ever received. And, taken in connexion with the first Edward's other selections, of such men as Burnel, Brabazon, &c., it gives us a deep impression both of that king's skill and judgment in selecting his ministers, and also of his firm and steady support of them in the discharge of their duty.

But we must terminate this discussion, and go back to the moment of Winchelsey's disgrace and banishment to Rome:—The chief criminal had thus been punished; but, as in many similar cases, the effects of his crime remained. He had fostered the discontent of the earls, and had guided and suggested their course. At Lincoln, though substantially defeated, the “confederacy” evidently obtained from the king some larger concessions, in regard to the forests, than he thought just or right; and the archbishop adroitly struck in, at the close of the matter, with his denunciation of the greater excommunication, which was calculated and intended to make those concessions unalterable and irrevocable. But this violent way of ending and deciding a great and intricate controversy only led, as violent courses usually do, to further complications. Questions of title and boundary, in the case of territory or landed estates, are those which, beyond most others, require patience and moderation. The king, also, in the present instance, was dealt with in a manner which the great barons themselves would not tolerate in their own cases. Twenty years before this period, the king had proposed a general investigation of titles; and one of the earls at once drew his sword, exclaiming, “It was

by *this* that my forefathers won their lands, and by *it* I mean to maintain them." To this repugnance the king gave way. But now a different rule was to be applied to the royal domains. The principle asserted was, that whatever could not be shewn to have been forest at the accession of Henry II. in 1154, should be disafforested. The adoption of so wide a range, must inevitably have introduced great differences of opinion. But there can be no doubt that many of the great barons added largely to their estates, at the king's expense, by these "disafforestings."

Yet, after all, there was another class, and that not a small one, which had a deep interest in these questions,—an interest of a very different, and, indeed, opposite kind to that of the barons. The royal forests were not vast solitudes, or parks occupied solely by animals for the chace. Their borders, especially, were largely peopled by cottagers; who, under the permission of the king or his officers, had reared up dwellings within the privileged limits, and were allowed pasturage and even some kinds of tillage therein. This whole class of persons now found their position imperiled. A sudden change of owners had in many places been experienced, and often the poor cottager found reason to regret the alteration. In this way, it soon became evident, that the "disafforesting" question was not one bearing upon the king's personal recreations merely; but one which was intimately connected with the interests of thousands of his people. We are not imagining a possible or even a probable case. It is upon record, that divers petitions were sent in to the king, at his parliament of 1305, held at Westminster, on the day before the feast of St. Matthew, by "certain people that be put

out of the forests by the great men," and who "pray the king that they may be as they were wont to be heretofore." This is set forth in the preamble to the ordinance. It was, then, in answer to the prayers of many who felt themselves aggrieved and oppressed, that the king passed, in that parliament, an "Ordinance of the Forests ;" in which, with his usual frankness and explicitness, he explains the real position of the question.

He adverts, first, to the origin of the "disafforesting,"—saying, "Our lord the king (to these petitions) answers, that since he hath granted the perambulation, he is pleased that it should stand, in like manner as it was granted ; albeit that the thing was sued and demanded in an evil point."

But next the king proceeds, as far as he was able, to amend the evil complained of, and to give comfort to those who had "cried unto him for succour." He says, that with respect to "them that have lands and tenements disafforested by the late perambulation, and do desire to have common within the bounds of the forests," "the intent and will of our lord the king is," "that if any of them would rather be within the forest as they were before, than out of the forest as they are now, it pleaseth the king very well that they shall be received thereunto ; so that they may remain in their ancient estate, and have common and other easement, as they had before. And our lord the king willeth and commandeth, that his justice of the forests, &c., shall take notice of this ordinance."

This was an attempt to undo, so far as might be, some of the ill consequences of the hasty and violent determinations of 1301. But it may easily be per-

ceived, that controversies and collisions would be likely to arise out of this state of things. Upon the strength of the charters and perambulations, and oaths and excommunications of 1301, the "great men" had begun to take portions of the royal forests to themselves, and to add them to their own estates. They also frequently got rid of the cottagers who had long found a home in the forests; and proceeded either to add the land to their farms, or to their own grounds. To stop these evictions, the king issues a new ordinance. But that ordinance, when produced, would doubtless be met by an appeal to the charter, to the perambulations, and to the archbishop's excommunication of all who departed from them. And, with any churchman, this terrible anathema would be admitted to have a fearful weight.

It must have been this "conflict of the laws" which drove Edward to a course which, with our light, it is impossible to defend; but which, in those days, was of a kind which was by far too common. The sentence of a primate could only be absolutely nullified by an authority of a still higher kind. Hence, to undo the act of Winchelsea, the king sent to Rome, and asked of the pope a bull, cancelling and setting aside all the obligations of 1301.

This is a step which we shall not attempt to justify; but it was consistent with the belief of those days. Knowing, as we know also, that some vows are rash vows; that some oaths, like that of Herod (Mark vi. 26), are unfit to be kept; they believed also,—what we do not believe,—that Christ had left authority with the bishop of Rome, to "bind and loose" in all such matters; and that when he had declared any oath or vow to be null and void, it

became as though it had never been given. These views, as we have said, were held by all men at that time\* ; and although we now reject them, we ought to judge any man's character mainly by his adherence to what he conscientiously believes to be true ; acting honestly on that measure of light which he possesses.

There was also another feature of the case which greatly weighed with the king,—a feature, too, which our courts of equity up to the present hour always take into the account, when examining into the validity of a man's engagements ; we mean, that of coercion and intimidation.

He had left Winchelsea, in 1297, one of the council of the young prince. The council, on Wallace's success, called a parliament in London ; and to that parliament there came Hereford and Norfolk, with a large body of armed retainers, and insisted on a fresh confirmation of the charters, with a new clause. Their demands were remitted to Edward in Flanders, with an earnest request, on the part of the council, that he would concede to the wish of the two earls. So advised, the king assented to these proposals. Since then, it had been shewn to him, that all these proceedings in 1297 were the result of a con-

\* Thus Mr. Tytler tells us of Bruce's conduct in 1297 ;—that "Bruce went to Carlisle with a numerous attendance of his friends, and was compelled to make oath on the consecrated host, that he would continue faithful to Edward. To give a proof of his fidelity, he ravaged the estates of Sir W. Douglas, then with Wallace, seized his wife and children, and carried them to Annandale. Having thus defeated suspicion, and saved his lands, he privately assembled his father's retainers, talked lightly of an extorted oath, *from which the pope would absolve him*, and urged them to follow him against the English." (Vol. i., p. 129.)

spiracy between Winchelsey and the two earls ; and he had had a letter put into his hands which proved this fact. At Lincoln, too, in 1301, he had observed the same conspiracy or confederacy at work ; and had again found, that civil war was contemplated and prepared for by the conspirators. Thus, high treason had been, for three or four years, going on all around him. Any man of a generous and noble mind, and with a just sense of his kingly rights, would naturally feel indignant at such treatment ; and Edward, in his application to the pope, dwells especially on these proceedings, as taking from his engagements that character of freedom which ought to attend them. In our own day, if a woman, in contracting a marriage, or a man, in giving a bond, is found to have been acting under coercion or fear, or to have been the victim of a conspiracy, those obligations are immediately set aside by our courts of equity. Rome, at that time, claimed to be the court of equity for all the sovereigns of Europe, and the pope acted upon those principles which are recognized by English lawyers to the present hour. The bull was granted, and the extorted concessions declared to be null and void.

Many historians have expressed their wonder, that this bull, when obtained, was scarcely acted upon. "The power was not, in fact," says Hume, "made use of." "The king made," says Lingard, "no public use of this document."

This wonder arises from a misconception of the king's real views and objects. Many writers assume, most absurdly, that Edward was hostile to "the charters." Yet one of his first acts, as Hume admits, after receiving the papal absolution, was to grant

“a new confirmation of the charters;” thus shewing, in the most direct and palpable manner, that it was not against “the charters” that his efforts had been directed.

If we wish to understand the king’s actions, and their motives, we have only to study his own words, and there we shall soon discover, that it was to rectify some of the evil consequences of the disafforesting regulations of 1305, and to nullify Winchelsey’s sentence of excommunication, that this papal absolution was procured. The bull arrived in Easter 1306, and its publication declared to the people that the archbishop’s anathema was made null and void. But the king left them but a short time in doubt as to his intentions; for on the 28th of May came forth that remarkable statute which appears on the 147th page of the *Statutes of the Realm*, and in which the king addresses himself to the hearts and understandings of his subjects, in the following fervent expressions:—

“The king, to all whom, &c.—Greeting:

“While we behold the imperfection of human weakness, and weigh with attentive consideration the burdens that lie upon our shoulders, we are inwardly tormented with divers compunctions, tossed about by the waves of divers thoughts, and are frequently troubled, *passing sleepless nights*, hesitating in our inmost soul *upon what ought to be done*, what to be held, or what to be prosecuted. Yet, under Him who holding in heaven the empire over all things, bringeth every thing into existence, and dispensemeth the gifts of His grace as it pleaseth Him, while the understandings of men cannot conceive the greatness of his wisdom, We do *resume our power*,—trusting

that He will perfect our actions in His service ; and in the clemency of His goodness, will mercifully look upon, and supply our deficiency,—that we, relying on His protection, may be directed in the path of our Lord's commandments. Truly, among all the things that rest upon our care, about this chiefly is our mind busied without intermission, that we may provide ease and comfort for our subjects dwelling in our realm, in whose quietness we have rest, and in whose tranquillity we are comforted. We have learned, by the information of our faithful servants, and by the cries of the oppressed, that the people of our realm are, by the officers of our forests, oppressed and troubled with many wrongs, . . . . . Wherefore, being desirous to prevent such oppressions, and grievances, . . . . . and to provide with our most diligent endeavour for the peace and tranquillity of the inhabitants of our realm, We have ordained,

1. (Of presentments of offences.)
2. (Of supplying of officers.)
3. (No officer to be of any jury.)
4. (Punishment of officers surcharging.)
5. (Trespassers in grounds disafforested.)
6. "And moreover we will, that they which had common of pasture in the forest before the perambulation was made, and who were restrained of common by the late perambulation, shall have their common of pasture hereafter in the forest, as freely and largely as they wont to have before the perambulation was made."

This ordinance was sent to the several counties of England, and ordered to be publicly proclaimed. And in it we see the fruit, and the only fruit, of

the papal absolution. It is hardly correct to say, as some historians have said, that the king made no use of the bull of absolution: we believe that he made all the use of it that he ever intended or desired to make. In some way or other, he had felt himself in a measure *uncrowned* by some regulation made at Lincoln; and hence he says, on obtaining the papal annulment, "We do *resume* our power." But then, the only use he makes of that power, is to relieve those who, by the disafforesting, "were put out of the forests by the great men," and who cried to him for help. As for any infringement or retrenchment, either of Magna Charta, or of the Charter of the Forests, not the least step of the kind is imputed to him, even by the most prejudiced of all the historians. Yet are some of these very ready to ascribe to him a desire or intention of this kind; although they admit that for some undiscoverable reason, it never exhibited itself in action!

Such, then, was the real character, and such the practical results, of those disputes and discussions respecting "the charters," which occurred between 1297 and 1306,—*i. e.* between the twenty-fifth and thirty-fourth years of Edward's reign. On the whole, the people were largely gainers by these discussions; but, that they were so, is mainly to be attributed to the constant anxiety shewn by the king, to meet generously all the demands which were made upon him; and to concede to his people all that it was in his power to grant, "without disinheriting the crown."

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One or two other matters of minor, but yet of considerable, importance, require to be mentioned at this period of the history ;—that is, during the last five years of the king's life.

We have already dwelt at some length upon Edward's character as a legislator ; and his high rank as a commander requires no proof from us. But England, at this important crisis in her history, needed a man of power in a third capacity,—that of a *ruler* ; and she found this also in Edward. Two reigns, of sovereigns in various ways unfit to rule, had so far relaxed the bonds of society, and weakened the authority of the law, as to call loudly for the effectual interposition of some one, whose power should be sufficient to make the laws not only theoretically just, but also practically useful.

Forty or fifty years before this period, Henry III. had been obliged to sit in person on the bench of justice at Winchester, in order to secure the punishment of offenders who had rendered even the roads of Hampshire dangerous. Some years later, we have seen earl Warrene assailing, sword in hand, one of the king's judges in Westminster Hall. Edward had himself suppressed this mutiny ; and, persevering in his determination to make the law respected, he next brought the judges themselves to trial, for corrupting that which it was their especial duty to preserve. His correction of the two earls, Hereford and Gloucester, who, in his twentieth year, had broken out into a petty and personal warfare ; and his Statute of Winchester “for preserving the public peace and preventing robberies,” were further proofs of his sedulous and firm resolve to give his people the benefit of a government of law and order. But, about

the thirty-second year of his reign, he found a new evil uprearing itself ; and, without any delay, he applied to it the most suitable remedy,—a Special Commission.

The mischief itself, which this new authority was intended to suppress, was described in the writs which gave the commission its existence. Bodies of men had associated themselves together in various parts of the country ; who “for certain rewards, bargained to beat, wound, or evil-intreat, persons named to them, at fairs, markets, or other places ;” and, by the fear which they inspired, these ruffians deterred the sufferers from preferring indictments against them. Such an evil required instant and strong-handed suppression, and this it received at Edward’s hands.

Peter Langtoft, after describing the siege and fall of Stirling, and the death of earl Warrene, proceeds to describe this evil, and the king’s plan for its suppression. He says,—

“ After the interment the king took his way ;  
 To the south he went, through Lindesay ;  
 He inquired, as he went, who did such trespass ;—  
 Brake his peace with deed, while he in Scotland was ?  
 Of such should be spoken, if men of them plaint,  
 Those that the peace had broken, if they might be attaint.  
 Wise men of God gave answer to the king,  
 That such folks were, it was a certain thing ;  
 Through the land is done such great grievance,  
 That if not mended soon, a war may rise of chance.  
 These contenders where’er they assigned a place that is,  
 There they come together, and made a sikerness (engagement)  
 That they shall all go, to whom or where they will,  
 To rob, beat, or slay, against all manner skill.  
 They offer a man to beat, for two shillings or three ;  
 With piked staves great, beaten shall he be ;

In fair or market they shall seek him out;  
All the land is set, with such folks stout.

\* \* \*

For men of such manners, unless there be some justice,  
In some few years, perchance, a war shall rise.

The king heard all they said,—the plaint of each town;  
And gave them a new name, and called them 'Trailbastoun.'

\* \* \*

The king through the land did seek men of renown,  
And with the justices them bound, to sit on Trailbastoun;  
Some on quest they 'demned to be bounden in prisons;  
And those that fled they banisht as the king's felons.'

The phrase *trail-baston* is, in old French, "draw the staff." The use and intent of it in the present case has been learnedly discussed by various writers; but it appears to be beyond a doubt that, as sir Francis Palgrave remarks, "it designates the *offender*, and the *offence*; not the court, or tribunal." In the *Chronicle of Rochester*, already referred to,—on the margin of which we find various pictorial illustrations,—the representation here given, is of two men fighting with bludgeons. And it is evident that the real object of this special commission was, to put down in a resolute and summary manner, what, in modern phrase, would be styled "club-law." These commissions seem to have been so useful and efficient, as to be continued for about eighty years; or until the middle of the reign of Richard II. Stowe speaks of them as holding special sessions, occasionally, in the metropolis; mentioning particularly "at the stone-cross near the Strand, over against the bishop of Coventry's house;" and sometimes within that prelate's mansion.

Calling to mind the terrible example made of the judges in the seventeenth year of Edward's reign;

and combining with it this special and vigorous suppression of provincial disorders, we cannot fail to be reminded of the portrait sketched by the Laureate in his recent *Idyls*; or avoid a question, whether the poet had not this sovereign in his memory, when he drew such a portrait:—

“ The blameless king went forth and cast his eyes  
On whom his father Uther left in charge  
Long since to guard the justice of the king.  
He looked, and found them wanting; and as now  
Men weed the white horse on the Berkshire hills,  
To keep him bright and clean as heretofore,  
He rooted out the slothful officer  
Or guilty, which for bribe had winked at wrong;  
And in their chairs set up a stronger race,  
With hearts and hands . . . . .  
. . . . . and moving everywhere,  
Cleared the dark places and let in the law,  
And broke the bandit-holds, and cleansed the land.”

One or two other incidents, bearing upon the same point in the king’s character, fall in our way at this period;—that is, in the last three or four years of Edward’s life.

Sir Nicholas de Segrave was a knight of distinction; probably a brother of John de Segrave, who commanded the English forces at Roslyn. Sir John de Cromwell accused him of treason. Segrave, disliking the formalities of a legal investigation, challenged his accuser to decide the question by wager of battle. But Edward, whose discerning mind always revolted from the absurd idea of deciding a question of *right* or *wrong* by mere physical force, and who had, twenty years before, protested against such a proposal when made by two foreign princes, very naturally refused his consent. The combatants,

apparently, thought that they might evade his decision, by crossing the sea, to fight the duel in France. Segrave returned, and was immediately arrested, for disregarding the king's prohibition. The case, doubtless, was a novel one, and when the offender was brought to trial, the judges remained three days in deliberation ; and at last declared the offender to be liable to the punishment of death, and the forfeiture of his property ; but added, gratuitously, that " it was in the king's power to pardon him." Edward's indignant exclamation seems to reveal one point in his character. " Foolish men," he cried out, " after so long a deliberation, to tell me that it is in my power to have mercy ! Why ! I will do that for a dog who casts himself on my grace !—of what value, then, is such a recommendation ? However, put your sentence into writing, that it may remain law for the future." Segrave was then remanded to prison ; but after a few days, thirty knights petitioned for his pardon, and offered to be sureties for his future good behaviour. So entreated, Edward gave him a free pardon, and released his property from forfeiture.

In the *Placita Roll* of 1304, there occurs the following entry :—

" Roger de Hechham complained to the king, that whereas he was the justice appointed to hear and determine a dispute between Mary, the wife of William de Braose, plaintiff, and William de Brewes, defendant, respecting a sum of eight hundred marks, which she claimed from him ; and had decided in favor of the former ;—the said William, immediately after judgment was pronounced, contemptuously approached the bar, and asked the said Roger, in

gross and upbraiding language, if he would defend that judgment ;—and he afterwards insulted him, in bitter and taunting terms, as he was going through the exchequer-chamber, saying, ‘ Roger, Roger, thou hast now obtained thy will of that thou hast long desired.’

“ For this offence, William de Brewes, being arraigned before the king and his council, acknowledged his guilt. And because such contempt and disrespect, as well towards the king’s ministers, as towards the king himself or his court, are very odious to the king, as hath of late expressly appeared when his majesty expelled from his household, for nearly half a year, his dearly-beloved son, Edward prince of Wales, on account of certain improper words which he had addressed to one of his ministers, and suffered him not to enter his presence until he had rendered satisfaction to the said officer for his offence ;—it was agreed by the king and his council that the aforesaid William should proceed unattired, bareheaded, and holding a torch in his hand, from the king’s bench in Westminster Hall, in full court, to the exchequer, and there ask pardon from the aforesaid Roger, and make an apology for his trespass, and shall be afterwards committed to the Tower, during the king’s pleasure.”

The pointed reference here made to the king’s anger and stern rebukes of his son, naturally directs our thoughts to this passage in Edward’s life. His present consciousness of the young prince’s weakness, and his strong dislike to Gaveston, his chief seducer, are already well known. We have alluded to one distinguished man, who is indicated in the above extract, as the minister with whom the young prince had been brought into collision. Walter Langton,

bishop of Chester, (sometimes called bishop of Lichfield or Coventry,) was the king's treasurer ; and the prince had a stated income payable out of the royal exchequer. Under such guidance as that of Gaveston, it was inevitable that this income would prove insufficient ; and that urgent demands for larger supplies would naturally follow. Hence the quarrels, and the violent language, alluded to in the sentence on William de Brewes. Another glimpse of light on this subject, is afforded by a letter from the prince to the earl of Lincoln, which has recently been discovered in the chapter-house at Westminster. In that letter the prince thus describes these circumstances :—

“ On Sunday, the 13th of June, we came to Midhurst, where we found our lord the king, our father. On the Monday following, on account of certain words which, it had been reported to the king, had taken place between us and the bishop of Chester, he was so enraged with us that he has forbidden us, or any of our retinue, to dare to enter his house ; and he has forbidden all the people of his household and of the exchequer to give or lend us anything for the support of our household. We are staying at Midhurst to wait his pleasure and favor, and we shall follow after him, as well as we are able, at a distance of ten or twelve miles from his house, until we have been able to recover his goodwill ; which we very much desire. Wherefore we especially entreat you, that on your return from Canterbury, you would come towards us ; for we have great need of your aid and your counsel.”

The firmness and severity of the king, in this instance, was of no ordinary kind, and we know from the after-life of the younger Edward, that extreme

severity was absolutely necessary. The royal prohibition was so effectual, that the young prince encountered real difficulties, and the king was induced, in the course of July, to recall his prohibition, and to allow things to revert to their ordinary course\*. But so long as Gaveston was the prince's companion, it was inevitable that his course should be a vicious and a wretched one. The quarrels with the king's treasurer recurred continually, and in 1305 we read, that,—

“This year king Edward put his son prince Edward in prison, because that he had riotously broken into the park of Walter Langton, bishop of Chester, and destroyed the deer. And because the prince had done this deed by the procurement of a lewd and wanton person, one Piers Gaveston, an esquire of Gascony, the king banished him (Gaveston) out of the realm; lest the prince, who delighted much in his company, might, by his evil and wanton conduct, fall into evil and naughty rule†.”

We now know, by the sad fate of Edward II., how well-founded were his father's apprehensions. And already, such was Gaveston's ascendancy, and his consequent audacity, that he appears very quickly to have stolen back again into the prince's society. For we find an ordinance for his banishment, dated “Lanercost, Feb. 26, 1307,” in which he is commanded to swear that he will not return; and the prince, that he will not recall him. And so strong was the conviction which had fastened on the king's mind, of the fatal tendency of this friendship, that one of his last

\* See Appendix L.

† Caxton's *Chron.*, Matthew of Westm., Fabian, Holinshed.

injunctions to the prince, just before his death, was, *never to recall Gaveston*. That injunction, however, was forgotten and disregarded, and the loss of his throne and of his life was young Edward's punishment.

We have now carried the history up to the sixty-seventh year of Edward's life, and the thirty-third year of his reign. One more chapter alone remains, and that will carry us, through rough and stormy scenes, to this great king's grave.

## CHAPTER THE FOURTEENTH.

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ROBERT BRUCE.—HIS ASSASSINATION OF COMYN.—  
EXASPERATION OF EDWARD.—WAR RENEWED.  
—DEATH OF THE KING.

A.D. 1306—1307.

WE now enter upon the closing period of Edward's life ;—that period, the events of which are so intermingled with the rising fortunes of Robert Bruce, as to render its history, so far as it goes, equally the biography of the one and of the other. And probably it will scarcely surprise the reader to find, that our view of the “eminent man\*,” who afterwards became king of Scotland, differs as much from the current and popular idea, as, in the preceding chapters, our estimate of the great English king had done.

Bruce succeeded, like various other valiant knights of the Norman race, in winning for himself a kingdom ; and the Psalmist's words were verified in his case, as they have been in many others,—“So long as thou doest well unto thyself, men will speak good of thee.” But before we accept the exaggerated estimate of a recent Scottish writer†, who styles him “the greatest of heroes,” we should endeavour to arrive at a just conclusion, as to wherein true greatness or heroism consists.

\* Tytler ; who, with great judgment, selects the phrase “eminent,” in preference to either “good” or “great.”

† Lord Campbell.

It is important to obtain, if possible, a clear and accurate idea upon this point; as, without this, we shall find ourselves perpetually confounding things which are essentially different,—the merely physical or external greatness which captivates the million, and that true or moral greatness which alone possesses any value in the eyes of the thoughtful and discerning. Between such men as Alexander, Cæsar, and Napoleon, on the one hand, and Alfred, William III., and Wellington on the other, there is no real affinity; and to confound them all under one head, as men who have “wrought great deeds,” is to treat the subject in an ignorant and superficial manner.

There can scarcely be a more striking instance of the fallacy of supposing that great deeds suffice, of themselves alone, to constitute a man a hero, than was afforded by the comparatively recent history of Napoleon Bonaparte. Here was an individual who, without any enormous crimes, but by the mere force of his military genius and powerful intellect, had raised himself from the lowest rank above a common soldier, to be the autocrat of the continent of Europe. Over its whole extent, only one or two sovereigns had not yet fallen into a position of subserviency. When he visited Dresden on his way to open his Russian campaign, “he was waited upon by a crowd of obsequious kings and princes, who attended at his levées, like satraps before the throne of an Assyrian despot; and accepted, or seemed to accept, every word which fell from his lips, as if an oracle had spoken\*.”

Nor was this very wonderful, for the man who

\* Gleig.

received all this homage, had, indeed, led his conquering legions over all parts of Europe, except England and the north. He had fought sixty great battles, nearly every one of which was a great victory. He had more than doubled the extent of the French empire, and was now leading half a million of men over the whole width of the European continent, in order to rebuke the stubbornness of Russia. Well, therefore, "might he seem to himself, and to others also, the greatest of all men that had been in the world for some ages\*." External or merely mental or physical greatness, could scarcely be carried to a more lofty height.

Yet what was this same Napoleon, when his character and his actions were calmly scrutinized ? "What was his career, with all the noise it made ? A flash of gunpowder wide spread,—a blazing-up as of dry heath. For an hour the whole universe seems wrapt in smoke and flame ; but only for an hour. It goes out, and the universe, with its mountains and streams, its stars above, and its soil beneath, is still there†." Justly said one of the German princes, even in the height of the conqueror's splendour,—"This Napoleonism is unjust ; it is a *falsehood*, and it cannot last." All this "glory" "was treacherous,—it was bought by a breaking or weakening of the moral sentiments." This would-be hero "had proposed to himself simply a *brilliant* career, without any stipulation or scruple concerning the means." And so it came to pass that "the highest-placed individual in the most cultivated age of the world, had not the merit of common truth and honesty ; he would steal, slander,

\* Carlyle.

† *Idem.*

assassinate, as his interest dictated. He was intensely selfish ; he was perfidious. In short, when you had penetrated through all this immense power and splendour, you found that you were dealing after all with an impostor and a rogue.” Such was the result of “an experiment, made under the most favorable conditions, of the power of intellect *without conscience*. It came to nothing\*.”

To distinguish, then, between these two kinds of greatness,—the merely physical or mental, and the moral,—is of the highest importance†. The possession of great ability and great power may be common to both ; but the different uses made of that power may either raise the holder of it to the rank of an angel, or lower him to that of a fiend. And hence, conceding to Robert Bruce, without hesitation, the character of greatness *in some sense*, it will be our duty to examine to which of these two classes he really belongs. Must it be said of him, as of the still more successful hero of our own century, that “he had proposed to himself simply a *brilliant* career, without any stipulation or scruple concerning the means ?” This is a question, the answer to which will gradually develope itself, as the facts of the history come successively under review.

The common, but most erroneous view of Bruce’s character, adopted by all Scotch writers, and accepted

\* Emerson.

† We do not overlook the existence of a third,—a still higher kind of greatness ; as exemplified in the Wicklifs, Luthers, and Howards, which have been at various times raised up to bless mankind. But this more spiritual kind of heroism is not to be weighed in the same scales which are used for kings and conquerors,—for heroes of the court and the camp ; and hence it lies beyond the range of our present enquiry.

by most readers, of whatever nation, is that which ranks him with Caractacus and Tell, with Palafox and with Hofer, as a devoted "lover of his country," —one who gave his whole soul to the task of "freeing her from a foreign yoke." All that need be said of this notion is, that it is purely romantic and fictitious; having not the slightest foundation in truth or fact. This is now admitted by Scotchmen themselves, whenever they have any character as historians to maintain. Thus, in the *Wallace Documents*, printed at Edinburgh, by a society of Scottish gentlemen, we read, that "Bruce by descent was an Englishman, and probably so by affection as well as interest\*." His grandfather was an English judge; his father was a personal friend of the English king; and one of the earliest facts discoverable in the grandson's life, is, that his father had interest enough to obtain his admission into king Edward's household. Their home was in Yorkshire, where, at Guisborough, the elder of the three lies buried. His son, the father of the young man now before us, was governor of Carlisle, and was buried at Holme Cultram in that county. Their connection with Scotland was like that which the last marquis of Stafford formed, in our own time, by marrying a Scotch heiress, and taking the title of duke of Sutherland. Of the history of the family, lord Campbell thus speaks:—

" Robert de Brus, or Bruis (in modern times spelt *Bruce*), was one of the companions of the Conqueror, and having distinguished himself in the battle of Hastings, his prowess was rewarded with no fewer than ninety-four lordships, of which Skelton in York-

\* *Wallace Documents.* Maitland Club. P. 43.

shire was the principal." "Robert, the son of the first Robert de Brus, whom we have commemorated, became a widower while a young man, and to assuage his grief, paid a visit to Alexander I., then king of Scots, who was keeping his court at Stirling. There the heiress of Annandale fell in love with him, and in due time he led her to the altar." "The fourth in succession married Isabel, the second daughter of David, earl of Huntingdon, grandson of David I. Robert de Brus, afterwards the competitor, was their eldest son."

This Bruce "practised in Westminster Hall from 1245 to 1250. In the latter year, he took his seat as a puisne judge; and in the forty-sixth year of Henry III., he had a grant of forty pounds a-year salary." He married a daughter of the earl of Gloucester.

In 1268 he was appointed chief justice, and remained in that post until the end of Henry's reign. Not being re-appointed, he retired to his castle of Lochmaben. Here he became one of the commissioners for negotiating the marriage of the heiress of Scotland with the young prince of Wales. On the death of the youthful Margaret, he advanced his own claim, as the son of David of Huntingdon's *second* daughter; but the question was referred to king Edward, who, as we have already seen, decided in favor of Baliol, the grandson of David's *eldest* daughter.

Bruce, disappointed, and resolving not to pay homage to Baliol, "retired," says sir Walter Scott, "to his great Yorkshire estates;" where he died in 1295, the year preceding Edward's first entrance into Scotland. His son, the second Robert de Brus, was a personal friend of Edward's, and had accompanied

him to the Holy Land. Edward's private loan to him of forty pounds has been alluded to in a former chapter. He married the countess of Carrick, and thus brought into the family another Scotch estate. He appears to have been stedfastly loyal to the English crown, and, accordingly, his lordship of Annandale was taken from him by the Scottish parliament of 1294-5, when that parliament busied itself in confiscating the estates of all who adhered to the English alliance. "During the contest of 1295-6, this Bruce, the earl of Carrick, son to the competitor, possessed of large estates in England, continued faithful to Edward\*."

In the previous history of England since the Conquest, the de Bruses are constantly found among the English barons. At the battle of Lewes, in 1264, the Robert de Brus of that period was among the king's supporters. We have described him as a judge in Westminster Hall, and he was also sheriff of Cumberland, and was buried, as we have already mentioned, in 1295, at Guisborough in Yorkshire, where his tomb still remains. His son, the earl of Carrick, Edward's personal friend, and governor of Carlisle, was interred, as we have said, at Holme Cultram. To him succeeded, in 1304, the third Robert de Brus of Edward's time, who afterwards became king of Scotland.

It is abundantly clear, therefore, that the Robert Bruce of whom we are about to speak,—whose father and grandfather held offices under the English crown, and regarded Yorkshire as their home; obtaining for the grandson an appointment in the English court,

\* Tytler's *History of Scotland*, vol. i., p. 204.

was, as the editor of the *Wallace Documents* says, "by descent an Englishman, and probably so by affection as well as interest."

This Bruce was born in 1274, and he was in his twenty-third year when Baliol resigned the crown of Scotland; and Edward then appointed his father,— "his dear and faithful Robert de Brus, earl of Carrick, and his son, to receive to his peace the inhabitants of Annandale." This was probably the young man's first appearance in public life in any political capacity.

The next year, during Edward's absence, Wallace raised the standard of rebellion. And now the "younger Bruce's conduct," says Mr. Tytler, "was vacillating and inconsistent." The wardens of the marches called upon him to take his place under the king's standard. He accordingly went to Carlisle, and there took a solemn oath on the consecrated host, that he would be faithful to the king. "To prove his fidelity, he ravaged the estates of sir William Douglas, then with Wallace, seized his wife and children, and carried them to Annandale. Having thus defeated suspicion, and saved his estates, he privately assembled his father's retainers, talked lightly of a 'foolish oath' he had taken, from which he hoped the pope would absolve him, and urged them to follow him\*," and to join the insurgent forces.

In July, earl Warrene approached, with an English army. Several persons of note, who had been in some measure implicated in the rebellion, submitted themselves and made their peace with the king, and among these was *Robert Bruce*.

The same kind of vacillation is apparent in the

\* Tytler, vol. i., pp. 129, 206.

course of the next five or six years. In 1299 we find his name associated with that of John Comyn, as one of the regents of Scotland. But before the affair of Roslyn, he was again under the English banner. And throughout he seems to have striven to keep on good terms with the king. In 1303-4, on his father's death, he succeeded to the English and Scotch estates, taking the usual oaths of fealty, and being released, by the kindness of Edward, from the scutage payable to the feudal lord. Of his professions to Edward at this time, we learn something in a letter addressed to him by the king in 1304, which runs thus :—

“ Edward, by the grace of God,” &c.—“ to our faithful and loyal Robert de Brus, earl of Carrick ; and to all other our good people who are in his company, greeting. We have heard that it is agreed between you and John de Segrave and our other good people of his company, to follow the enemy ; and that you desire we should hold you excused if you come not to us on the day appointed. Know that for the great diligence and care which you have used in our affairs, and because you are thus agreed to follow the enemy, we thank you as heartily as we can, and we pray and require especially, as we confide in you,”—“ that ye put an end to this affair before ye leave these parts.” And, finally, when a new settlement of Scotland was about to be attempted in 1305, “ Edward,” says Chalmers, “ seems to have placed his chief confidence in Wishart, bishop of Glasgow, Robert Bruce, and John de Moubray\*.” Yet, during all these latter years, if we are to believe Hume and other eulogists of Bruce, the latter was

\* Chalmers' *Caledonia*, vol. i., p. 671.

secretly plotting a new rebellion. Unquestionably, those who so represent him, must mean to describe him as one of the greatest deceivers and hypocrites upon record. But we are not satisfied that he merits all this odium. We are not certain that, up to this time, he was actually guilty of more than Mr. Tytler lays to his charge,—namely, vacillation and inconsistency.

But by this inconsistency, *i. e.* by returning to his allegiance whenever he had for a moment departed from it, he contrived to keep himself in the good graces of the king. Hence Mr. Tytler observes, that—

“Bruce, whose conduct had been *consistent only upon selfish principles*, found himself, when compared with other Scottish barons, in an enviable situation. He had preserved his great estates, his rivals were overpowered, and, on any new emergency occurring, the way was partly cleared for his own claim to the crown.” This “claim,” however, such as it was, must obviously have been regarded as, for the present, in abeyance, since both Baliol the younger and Comyn stood before him in the right order of succession\*.

We have now brought Bruce’s history down to the autumn of 1305, when, as a principal party in “the settlement of Scotland,” which was effected, or supposed to be effected, that year, he was much in attendance on the king, in London, and at his palace of Sheen, in Surrey. And our thoughts naturally turn towards the question,—What was the state of Bruce’s mind at that critical moment?

We have seen that the supposition of his “patriotism,” and “impatience of the English yoke” is simply

\* See Appendix M.

absurd; inasmuch as his feelings must have been *at least* as much English as Scotch; and his perception of the benefits which Scotland would derive from the union must have been as clear as our own. But neither, on the other hand, are we entitled to lay to his charge that deliberate and long-continued system of perfidy and falsehood, which many of his admirers appear to attribute to him without compunction.

We apprehend that sir Walter Scott has accurately described the real state of Bruce's mind at this period, in his lucid sketch of the position of the Norman barons generally. He says,—“Two or three generations had not converted Normans into Scots; in fact, *the Normans were neither by birth nor manners accessible to the emotions which constitute patriotism.* Their education had not inculcated that love of a natal soil, which they could not learn from their roving fathers of the preceding ages. The ideal perfection of the knight-errant was, to wander from land to land in quest of renown; to gain earldoms, *kingdoms*, nay, empires, by the sword, and to sit down a settler on his acquisitions, without looking back on the land which gave him life. Every soil was his country; and he was indifferent to feelings and prejudices which promote in others patriotic attachment to a particular country\*.”

We have already observed this character of mind in the De Montforts; one of whom first aimed at the earldom of Leicester, and then set off for Languedoc, where he became count of Toulouse. His son, although entirely a Frenchman, contrived to become leader of the barons of England, and was, for a year

\* *History of Scotland*, vol. i., p. 68.

or two, the actual ruler of the land. And in the same spirit,—no sooner had Robert Bruce grasped the crown of Scotland, than his brother Edward, emulating his example, aimed to become king of Ireland.

And it is this simply selfish view, common to all the race, which explains the “vacillation” which Mr. Tytler charges upon Robert Bruce. He had already large possessions, both in England and in Scotland, and he was evidently a calculating man. He disliked to stake his great estates, except when there was a clear prospect of improving his position. Had patriotism or a “hatred of the English yoke” been his ruling motive, he would have taken his chance with Wallace in 1297, or with Comyn in 1302. But Wallace fought in Baliol’s name, and Comyn was an adherent of the same party; having, too, a better right to the throne than Bruce’s own. In such a cause Bruce cared not to risk his fortunes. Not until he saw an opportunity of advancing his own claims, would he appear in the field. To rescue Scotland from the English dominion, merely to leave it in the hands of a Baliol or a Comyn, was an enterprise which had no charms for him. The ruling principle with all the Normans, which sir Walter Scott so well describes in the above extract, was *his* ruling principle. His conduct, to use Mr. Tytler’s words, “was consistent *only upon selfish principles*,”—not merely at the commencement of his history, but throughout his whole career.

Historians have generally failed to notice the circumstances which led to Bruce’s final decision, his murder of Comyn, and his appearance in the field as a pretender to the crown. Yet there is no doubt or obscurity about them. The grand deterring cause

which had kept him back hitherto, was, the military power and talent of Edward. This, while it endured, was naturally, a great discouragement to all who felt dissatisfied with the English rule. Many of Bruce's admirers especially applaud his courageous daring, in venturing with a handful of supporters to take the field against so great a king ;—but these writers overlook the fact, that Bruce, who was a cautious as well as an ambitious man, waited, before he took the field, until he had full assurance that Edward would never more be found in his wonted place on the field of battle.

Bruce, as we have already noticed, was actually engaged, in the summer and autumn of 1305, in arranging, with the king, the future government of Scotland. Doubtless, he spent much time with Edward, in his palace of Richmond, (then called Sheen,) and would naturally become well acquainted with the state of his health. He would perceive that the effects of more than twelve campaigns,—many of them attended with hardship,—were beginning to tell seriously upon the king's constitution, and that his lower limbs were now rapidly failing him. This fact is noticed by the historians of the time ; and we find that when, in the following Whitsuntide, the king had to go through the public duty of conferring knighthood on a large company of young men in Westminster Abbey, his strength proved insufficient to enable him to discharge his part in the ceremony.

This important fact naturally accounts for Bruce's appearance in the field at this juncture. We have already admitted that, up to October 1305, there is nothing proved against Bruce but that which Mr. Tytler describes as “vacillation and inconsistency.” The king had called upon him to assist in the paci-

fication and settlement of Scotland, and he may have given his advice and assistance without any deceit or dishonesty. All the Scotch nobles then took their leave, and “returned home with the appearance of great joy and satisfaction;” and probably Bruce either accompanied or soon followed them; for we find him at Dumfries shortly after Christmas.

Up to this time, then, we have no proof of Bruce’s perfidy or treachery. But, assuredly, the confidence which Edward had reposed in him, and the expressions of loyalty and good faith with which he must have met that confidence, ought to have deterred him from the course which, in a few weeks afterwards, he adopted. It was probable, however, that on his journey homewards, his thoughts would naturally turn on the peculiar circumstances which made *that* the crisis of his fate;—to wit, the king’s evidently failing health; the notorious incompetency of the young prince; and the still incomplete establishment of the English power in Scotland. If we could only assume two things,—which by Scottish writers *are* generally assumed,—that Bruce had patriotic feelings, and that he had come under no obligations to Edward,—we might then concede, both that there was some justification for the step which he took, and also, that the time was most judiciously chosen. But as we know that not patriotism, but a desire for self-aggrandizement, was his governing motive, and that he had sworn and avouched in all possible ways the truest fealty and loyalty to Edward, it is quite impossible to regard his conduct in the following February in any other light than that of an enormous crime.

The king was now in his sixty-seventh year. His health had latterly been more uncertain, and his

strength less firm, than during the greater part of his active life. He moved, in the winter of 1305-6, through his domains in Dorset and Hampshire, and was still in that country when, about Easter, the tidings were brought to him of a new insurrection in Scotland. Such intelligence would naturally excite the most painful feelings. For nearly ten years he had been striving to win the people of Scotland by kindness. He had indeed been forced to enter that country in arms, and had vindicated his right, again and again, on the field of battle. But he was always eager to sheathe the sword, whenever the Scotch were disposed for peace. There is probably no parallel for the constant placability and forbearance displayed by Edward in Scotland. Frequent perfidies, numerous murders, were committed by the Scotch, but not one solitary execution took place. A single criminal, Wallace, died in London for murders committed in England; but even he, had he submitted, might have had his life. Justly has Lingard remarked, that “the world has seen many conquerors; but *it will be difficult to find one, who, with such provocation, has displayed an equal degree of lenity.*”

And the most painful and grievous feature of the present rising, to Edward’s mind, was, the shameless perfidy manifested by the principal actors. All through the year 1305 the king had been confiding the arrangement of all Scotch affairs chiefly to two men, —Wishart, bishop of Glasgow, and Robert Bruce. Either of these might have declined the task. Edward was no tyrant, whose slightest wish must be implicitly obeyed. If Bruce and Wishart had chosen to abstain from this work, they could have found pleas of excuse. But they came to London, and for

several weeks consecutively, they were busily engaged with the king in framing the new Scottish constitution. They then take leave of him, “with the appearance of great joy and satisfaction ;” and the next thing the king hears, is, that Bruce has murdered Comyn for refusing to join him in a revolt ; and that Wishart has crowned Bruce king of Scotland !

Let us now pass in rapid review the leading circumstances of this new insurrection, which first broke out on the 10th of February, 1306. Various details are given by different English chroniclers who wrote at the very time, and probably from the information of eye-witnesses.

The *Chronicle of Lanercost* was written at the time, and in the very neighbourhood where the first act of rebellion took place. And the chronicler gives this brief and simple statement :—

“Lord Robert Bruce, earl of Carrick, guilefully sent a message to lord John Comyn, asking him to come and have an interview with him at the house of the Friars Minors in Dumfries ; and when he had come, he slew him in the church, and also lord Robert Comyn, his uncle.”

Walter Hemingford, one of the best of the English historians, and who frequently proves his intimate knowledge of public affairs, thus fills up the brief record of the *Lanercost Chronicle* :—

“In the year of our Lord 1305\*, Robert de Bruce, grandson of that Bruce who had disputed with Baliol the crown of Scotland,” “relying upon perverse counsel,

\* Hemingford here dates the commencement of Bruce's treason, probably from good information, in 1305. So that, immediately on leaving Edward, and returning to Scotland, he must have begun his arrangements for the revolt.

aspired to the kingdom ; and fearing lord John Comyn, a powerful noble, and faithful to the king," "he sent to him with treacherous intent two of his brothers, Thomas and Nigel, asking him to meet him at Dumfries, to treat of certain matters, and he, suspecting no evil, came to him to the church of the Friars Minors. And when they were conversing, as it seemed with peaceful words, all at once altering his mien and changing his language, he began to inveigh against him, accusing him of having injured him in the king's estimation. And when Comyn attempted to reply, the other would not hear him, but, *as he had plotted*, he struck him with his foot, and then with his sword, and retiring, left him to his retainers, who, pressing on him, left him for dead on the pavement of the altar."

Matthew of Westminster is another contemporary historian; who also frequently shews that he had access to the best sources of information. His account runs thus :—

" Robert Bruce, earl of Carrick, first secretly, and afterwards more openly, conferred with some of the nobles of Scotland, saying to them, ' Ye know that by hereditary right this kingdom belongs to me, and that this nation intended to have crowned my grandfather king, had not the cunning of the king of England disappointed them. But now, if you will crown me king, I will deliver this kingdom and people from the tyranny of the English.' To this many consented. But when he asked John Comyn, a noble and powerful knight, whether he consented, he resolutely answered, that he did not. And he added, ' All the world knows that the king of England has four times subdued our country ; and that we all,

both knights and clergy, have sworn fealty to him for ourselves and our posterity. Far be it from me to consent to this : I will not burden my soul with this perjury.' Bruce begins to persuade ; Comyn continues to object ; the one threatens, the other withstands. At length Bruce, drawing his sword, strikes Comyn, who was unarmed. Comyn fell, grasping the sword, and striving to take it from him, when Bruce's attendants rushed in, and gave Comyn fresh wounds. This took place at Dumfries, in the church of the Friars Minors."

Peter Langtoft, another chronicler of the time, thus tells the story :—

"Of Walceys have ye heard, how his ending was ;  
 Now of king Robert, to tell you his trespass.  
 As Lenten-tide came in, Christen man's lach,  
 He sent for John Comyn, the lord of Badenach :  
 To Dumfries should he come, unto the Minors' kirke ;  
 A speking there they had ;—The Comyn will not worke ;  
 Nor do after the saying of Robert the Bruse.  
 Away he gan him drawe ; his conseil to refuse :  
 Robert with a knife, the Comyn there he smote ;  
 Through which wound his life he lost, well I wote.  
 He went to the high altar, and stood and rested him there.  
 Came Robert's squire, and wounded him well more :  
 For he will not consent to raise no follie ;  
 Nor do as he meant, to gin to make partie,  
 Against king Edward, Scotland to deryne."

Other contemporary writers might be cited, but it is needless. The four already given are of the highest class. These writers were all men so placed as to have access to the best information ; and they wrote at the very time. In the general outline they all agree. Bruce, apparently, had taken his course, and was gathering a party round him, preparatory to

a rising. Comyn, who had been regent of Scotland, and had fought for Scottish independence so long as he could keep the field, *receiving no aid from Bruce*, is now the one man in Scotland who can most powerfully further or hinder Bruce's success. Bruce, therefore, naturally seeks a meeting with him. But the dark features of the transaction are these,—that while Bruce, by naming a church for their meeting, had induced Comyn to attend unarmed, he himself and his attendants came to the meeting in arms. Hemingford charges Bruce with affecting anger, in order that he might, "as he had plotted," draw his sword on an unarmed man. This purpose his followers were prepared to second; and thus a gallant knight, who had fought for Scotland while Bruce was paying court to Edward, was deliberately murdered in a church, by those who had inveigled him there for a professedly peaceful object.

Mr. Tytler, like most other modern Scottish writers, endeavours to extenuate Bruce's guilt by a supposition which turns out to be wholly groundless. Mr. T. says,—"This murder had been perpetrated by Bruce and his companions *in the heat of passion*, and was entirely unpremeditated." So say not the earlier Scottish writers. They tell us that Bruce killed Comyn: they argue, upon the plea which they themselves had invented, that Comyn had betrayed some secret to the king, and that therefore Bruce had a right to kill him; but they tell us nothing of any "heat of passion," or any want of premeditation. On the contrary, the Kirkpatrick tradition, which they all hand down, proves the very contrary. Assume the meeting to have been honestly meant,

as a friendly conference ; and that no thought of murdering Comyn had entered any one's mind. Bruce hastily issues forth, exclaiming, "I doubt I have killed Comyn!" Is it not clear that the first exclamation from all his attendants would have been one of wonder, horror, and amazement ? But how runs the story ? " You doubt ! " said Kirkpatrick, " I'll soon *make sure !*" (mak siccar.) Is it not clear that this is the exclamation of a man who feels no surprise, but who had anticipated some such news. Bruce, then, assuredly, in the words of the Lanercost chronicler, " guilefully " drew Comyn unarmed into a church, and there, " as he had plotted," he deliberately butchered, with the help of his attendants, a single unarmed man. Whether the page of history contains the record of a blacker crime than this, is a question which we shall not attempt to decide.

So stood the transaction, recorded in various chronicles of the time, but with no essential variation or contrariety ; and it so stood, without question or contradiction, until two or three generations had passed away, and all who had known either Edward or Bruce, or their children, in either realm, had gone to their account. But, at last, at the end of the fourteenth century, and in the beginning of the fifteenth, three historians,—Barbour, Fordun, and Wyntoun,—arose in Scotland. They undertook, naturally enough, to write the past history of their own country, but materials they had none, save Scottish traditions, and the chronicles extant in England.

Barbour, the first of these writers, had a pension assigned to him, out of the Scottish exchequer, " for

compiling the book of the deeds of king Robert the first." It is abundantly clear, that whether he looked to the Scottish court, or the Scottish people, his interest, and probably his inclination, would prompt him to varnish over this passage in Bruce's life, in the best way he could devise. And his followers,—Fordun, who wrote about 1400, and Wyntoun, who wrote between 1420 and 1424,—were more likely to copy and improve his story than to discredit it.

The fable which these writers doubtless thought it their duty to invent and to propagate, was to the following purport:—

That Comyn and Bruce had had conferences,—("confidential meetings," Mr. Tytler calls them,) to discuss the prospects of a new rebellion, in which Comyn was to support Bruce's claim to the throne, and receive his, Bruce's, estates as a reward: That this agreement was put into "an endentur, and seled :" That Comyn (being in Scotland) "rode off to the king," (who at that time was in Dorset or Hants,) and "shewed him the endentur," and left it with him: That thereupon the king summoned a parliament, and that Bruce came up from Scotland to attend it: That Edward, having Bruce in town, was about to seize him, when the earl of Gloucester gave him warning and he fled: That on his way to Scotland, he met a messenger, whom he killed, and on whose person he found letters from Comyn to Edward! That thus armed, and indignant at Comyn's treachery, he went to Dumfries, met Comyn in the church of the Friars Minors, where he upbraided him, and at last slew him.

Such is the story told by these writers, which we only notice because modern Scotch historians seem to think it a national duty to credit and repeat these

fictions, invented a century after the time to which they refer, in preference to the plain and simple narratives of the writers who lived and wrote in that very year, 1306. One Scottish writer, however, presents an honorable exception to this common failing. Mr. David Maepherson, the able editor of *Andrew Wyntoun's Cronykyl*, adds this just and acute criticism to the passage in Wyntoun, which contains this version of the Comyn story :—

“ This whole story of the transactions of Bruce with Comyn has much the air of a fable contrived to varnish over the murder, and to make it appear an act of justice in Bruce, whose splendid actions had so prepossessed the people in his favor, that they were determined not to believe that he could do wrong. The story has this sure mark of fable, that the later writers give us more circumstances than the earlier ones. Barbour has nothing of the earl of Gloucester, nor of Comyn's messenger being intercepted and put to death, which are found in Fordun. In Bower's time the tale was embellished with the devil's consultation, and his wise scheme of inspiring Comyn to betray Bruce ; together with the fall of snow, and the ingenious device of shoeing the horses backward :— it was also thought proper to augment his retinue with a groom, and to allow two days more for the journey. Nothing remained for Hector Boece, but to turn the earl of Gloucester's pennies into two pieces of gold, and to make a brother for Bruce, whom he calls David\*.”

Thus even a Scotchman, possessed of honorable feelings, can detect and expose these fabrications.

\* Maepherson's *Cronykyl of Andrew Wyntoun*, vol. ii., p. 501.

Two or three other remarks, however, ought here to be made: for instance:—

1. Those Scotchmen who insist on believing, that at the very time when Bruce was sitting at Edward's table, and professing himself his loyal and attached friend and servant, he had actually proposed and arranged with Comyn a new rebellion, must attribute to him the highest degree of perfidy and hypocrisy. For our part, we see no evidence of this.

2. Supposing Edward to have received warning from Comyn of Bruce's treachery, and to have intended his arrest, no reason can be assigned why he should afterwards have kept silence on this point; or why none of the English historians should have alluded to it. Their entire silence as to any previous warning given to the king, when they could have had no motive for concealing such a circumstance, seems to make it clear that the charge brought against Comyn, a century after, of having "betrayed" Bruce, was an after-thought and an invention. Hemingford indeed says, that at the conference, after "peaceful words," Bruce "all at once changed his tone," and began to charge Comyn with "injuring him in the king's estimation." This, however, was when Bruce was beginning to assume anger and passion, as an excuse for falling upon an unarmed man. Still, it is quite possible that Comyn may have told Edward that he was deceived in Bruce's pretended zeal for his service; and that this caution may have reached Bruce's ears. And it was easy, a century after, to turn this honest caution into a "betrayal" of Bruce.

3. A chief evidence, however, of the fabulous character of the whole story, is found in the nearly impossible nature of the chief facts.

The Scottish commissioners, of whom Bruce was one, took leave of Edward in October 1305, and “returned home.” And early in February, Bruce, having sounded other Scottish leaders, invites Comyn to meet him at Dumfries. Between these two dates, there intervene some thirteen or fourteen weeks.

Now, at the fastest rate of travelling, it would have taken, in those days, about three weeks to pass from Dorset or Hants to Dumfries. A king’s messenger, sent from London to York, in the twenty-eighth of Edward I., was allowed sixteen days, probably for the journey and return. Another, sent from London to Lancaster, in the sixth of Edward II., was ten days in going, and thirteen in returning. And the primate, describing his journey to find the king, in the south of Scotland, in 1300, speaks of it, as “twenty days’ journey,” “travelling incessantly, and with all haste.” When, therefore, we are told, that Comyn, in Scotland, receives an “endentur” from Bruce, and “rides off to the king with it;” (some four or five hundred miles;) that the king thereupon, to entrap Bruce, “summons a parliament,” (which of itself implies another lapse of weeks,) and that Bruce came from Scotland to attend it; but that when in London, being warned, he escaped, and rode back to Scotland; and all this in the depth of winter,—we are driven to remark, that such a story has incredibility upon its very face. We know that no such parliament was ever summoned; the fact of any warning of Bruce’s purpose having been given to the king, was unknown to all the English historians; and all these journeys, to and from Scotland, in December and January, were nearly impossible. The simple statement given by all the writers who lived and

wrote in 1306, is consistent and credible ; but the romance, published a century after, by writers who, in 1306, were not yet born, is evidently a fiction.

Bruce, then, by a most foul and premeditated murder,—by a base and cowardly assassination,—had removed out of his path the principal man in Scotland who could have counteracted and frustrated his plans. Comyn was the most powerful baron in Scotland ; and he had been, only a year or two previous, the regent of the kingdom. Had Bruce risen in rebellion while Comyn was alive, the latter would have reminded the Scottish nobles and people of their recent submission to Edward, and of all the evils which previous rebellion had brought upon their country. He would have reminded them, also, that if they still desired a Scottish king, one of the Baliols, father or son, possessed the hereditary right, and that, after the Baliol, his own name came before that of Bruce. The influence of such a man, at such a moment, must obviously have presented a serious obstacle to Bruce's success. This obstacle, by one bold and unscrupulous stroke, he had now cleared out of his way ;—“ proposing to himself,” like Napoleon in modern times, “a brilliant career, without any scruple concerning the means.”

“The die was now cast,” observes Mr. Tytler. “Bruce had, with his own hand, assassinated the first noble in the realm, in a place of tremendous sanctity. He had stained the high altar with blood, and had directed against himself the resentment of the powerful friends and vassals of the murdered earl.” “He must now either become a fugitive and an outlaw, or raise open banner against Edward.”

There can be no doubt that Bruce had weighed these chances beforehand. The inveigling his victim into "a place of tremendous sanctity," into which he naturally came unarmed, and there falling upon him, shews clearly a "foregone conclusion." The chief man in England, he well knew, was incapacitated by age and disease, and he had now murdered the chief man in Scotland. These obstacles removed, for all the rest he relied on his own skill and audacity ; his good sword, and his strong right arm. And the issue shewed, that his calculations were just and accurate ; and "the power of intellect without conscience" was once more proved to be sufficient to achieve great earthly and temporary success.

He repaired forthwith to Lochmaben Castle, where he was at least safe from any sudden pursuit of the Comyns. From thence he immediately despatched letters to every friend who was likely to give him any aid. Of these, the earls of Athol and Lennox, the bishops of Glasgow, St. Andrew's, and Athol, and about fourteen others of some rank, as knights or barons, quickly joined his standard. With these few supporters, "he had the courage," says Fordun, "to raise his hand, not only against the king of England and his allies, but *against the whole accumulated power of Scotland.*"

This confession, from the pen of Scotland's first historian,—himself a profound admirer of Bruce,—decides one question. It was not in obedience to Scotland's call that Bruce took up arms ; "the whole accumulated power of Scotland" was opposed to his enterprise. The cause he undertook was simply *his own cause* ; not that of Scotland. He had said to the Scottish people—(to use the language of

Matthew of Westminster)—“Make me your king, and I will deliver you from the tyranny of the English.” The response he received was the adherence of two earls, three bishops, and fourteen knights or barons. The *dissentients* were so numerous as to amount, in Fordun’s view, to “the whole accumulated power of Scotland.”

Still, however insignificant the support he received, and however evident it might be, that the movement had no other origin or purpose than the gratification of Bruce’s personal ambition, he had now gone too far to recede. Not even flight could save him, for who in France or Italy would shelter one who had committed such sacrilege? He therefore boldly took the only course which remained open. Three or four weeks sufficed to collect together a sufficient force, and on the 24th or the 25th of March, Bruce rode to Glasgow, and from thence, on the 27th, to Scone, where, in the accustomed spot, he received from the bishops some kind of a coronation. Some robes were provided by the bishop of Glasgow; a slight coronet of gold, “probably borrowed,” says Mr. Tytler, supplied the place of the ancient crown of Scotland; and a banner wrought with the royal arms was delivered by Wishart to the new king; who, beneath it, received the homage of his few adherents, as “Robert the first.” On the second day after the ceremony, a repetition of the scene took place. The earls of Fife had long enjoyed the privilege of placing the kings of Scotland, at their coronation, upon the throne. The present earl was with Edward in England; but his sister, the countess of Buchan, was an enthusiastic partisan of Bruce; and, hearing of the intended ceremony, she rushed to Scone to offer her

services in her brother's room. Bruce could not afford to slight or disappoint any adherent; and hence, simply to gratify her, the coronation was performed over again, and she was allowed the privilege upon which she set so much value.

The new king then began a progress through such parts of Scotland as were likely to favor his pretensions; seizing the royal castles, driving away the English officers, and asserting his rights as king wherever he could find an opening. But his party, Mr. Tytler admits, "*was small*; the Comyns possessed the greatest power in Scotland; and many earls and barons, who had suffered in the late war, preferred the quiet of submission to the hazard of insurrection and revolt." In fact, as we have seen Fordun admitting,—the rebellion was *not a popular one*. Bruce had a far smaller party than either Wallace or Comyn had gathered, and if a couple of years of life and vigour had been granted to Edward, the suppression of this third revolt would have proved an easier task than the defeat of either of the former two. Of Bruce's method of proceeding we have a sample in a document still extant, in which the earl of Strathern describes the mode in which he had been dealt with. This is a memorial, addressed by the earl to king Edward, in explanation of his position. In it the earl states, that as soon as Bruce was made king, he sent letters of credence to the earl, by the abbot of Inchaffrayn. The abbot urged the earl to repair forthwith to Bruce, to perform homage and fealty. "Nay," said the earl, "I have nothing to do with him." Thereupon Bruce and Athol, with a power, entered Strathern, and occupied Foulis. Bruce sent the earl a safe conduct, to repair to him. He did so,

and on refusing to pay homage, he was carried to Inchmecolmec. Here he found sir Robert Boyd, who advised Bruce, in his presence, *to behead him*, the earl, and to grant away the lands of Strathern. On hearing this, he was frightened, and did their will, and then they let him go\*.

Tidings of all these proceedings,—of Comyn's murder; of Bruce's coronation; and of the treason of Lennox and Athol, of Wishart and of the two other bishops, reached Edward at Winchester, in Lent, and shortly before Easter in 1306. Had there been any truth in the stories told by Barbour, Fordun, and Wyntoun, of Bruce's escape and flight to Scotland, in the January preceding, we should have found, before this, traces of Edward's foresight and energy, in the writs and other documents which such occurrences would have drawn forth. But no such traces are to be met with. This of itself abundantly proves, that the narratives of Barbour and Fordun are stuffed with fictions.

The intelligence came upon the king as a surprise; and it awakened in him feelings of the greatest indignation. As a knight and a soldier, accustomed to the laws of honor, an act of premeditated assassination,—the assault of several armed men upon a single nobleman, whom they had induced to come without arms to an amicable meeting, would naturally fill his mind with horror and detestation. As a sincerely religious man, who, in 1289, had abstained from violating the sanctity of a church, even to take a notorious criminal from its protection, the ruthless murder of a nobleman on the steps of the altar must

\* *Palgrave's Documents*, p. cxxxix.

increase, if it were possible, his just indignation. But evidently, that feature of the case which most exasperated him, was, the perfidy and treachery which had marked the whole transaction. The two chief actors in this tragedy had been Bruce and Wishart ; and it had been to these two men, above all others, that he had looked for the quiet settlement of Scotland. They had come from Scotland professedly to assist him. They had sat at his council-table for weeks together, and, doubtless, had often taken their places at his festive board, and shared with him in the summer enjoyments of his Richmond retirement. And now,—it was not merely that they had fallen off from him, but that they had proved, by the desperate course which they adopted immediately on their return, that all the pretended zeal and loyalty in the October preceding, had been utterly false and treacherous. Edward was well versed in the language of the psalms, and he would naturally be inclined to cry out, with David, “Yea! even mine own familiar friend, in whom I trusted, which did eat of my bread, hath lift up his heel against me.”

This perfidy is made the especial charge against both the bishops, in an accusation laid by Edward before the pope. In this document, the king recounts a long list of perjuries. Thus, of Wishart, bishop of Glasgow, the king alleges,—

That when he, the king, was first called into Scotland, about the matter of the succession, he, the bishop, took the oath to the king, as superior lord, and was appointed by him as one of the guardians of the realm ; yet, when Baliol was put into possession of the kingdom, he, the bishop, aided and advised him in making war upon England.

Next, that upon Baliol's submission, the bishop came to the king at Elgin, and prayed forgiveness: and took an oath on the consecrated host, on the gospels, and upon the black rood of Scotland, that he would be faithful and true to the king, and would never counsel anything to his hurt or damage. And that, at the parliament held at Berwick, he took the oath of fealty for the third time. Yet when the king was gone to Flanders, the bishop abetted Wallace, and came forth into the field against the king.

Again, when the rebellion seemed to decline, the bishop once more submitted himself to the king, at Irvine, in July 1297. Yet, in less than a month afterwards, he had again confederated himself with Wallace and the rebels, encouraging them as heretofore.

Next, the king having returned from Flanders, the bishop came before him at Holme Cultram, and prayed the king's grace and mercy, and did then, for the *fourth* time, take the oath of fealty upon the host, gospels, rood, &c., &c. Yet while this oath was yet fresh, the bishop assembled all his strength, and marched against the king's army.

Again, the rebellion being suppressed, the bishop came before the king at Cambuskenneth, and prayed grace and mercy, and forswore himself a *fifth* time, upon the host, gospels, &c., &c. And at the parliament at St. Andrew's, he took the same oath a *sixth* time. And yet, after all this, within eight days after the murder of Comyn, he gave Bruce plenary absolution,—thus shewing his approval of the sacrilege and the murder. He also in every way promoted and encouraged the rebellion, in violation of the oath which he had, on six different occasions, taken.

Similar are the complaints made by the king of

the perjuries of the bishop of St. Andrew's, and the bishop of Elgin or Moray. To this general faithlessness, on the part of the leaders in the rebellion, Wyntoun, in his *Cronykyl*, published in the next century, pleads guilty, saying of Wallace's day,—

“ For in his time, I heard well say,  
That fickle they were, all time, of fay” (faith).

But the disgust and exasperation which this perpetual perfidy would naturally excite in an honorable mind, will be obvious to every one. And we have no doubt that it was this feeling which induced the inscription on the king's tomb,—PACTUM SERVA,—an inscription which doubtless was placed there by his own command.

All the troubles of Edward's life had arisen from the faithlessness of those with whom he was concerned. David of Wales, Philip of France, Baliol, Bruce,—all, in their turn, first swore to him, and then shamelessly violated their oaths. Hence, as his last word, he desires this injunction or maxim,—“KEEP YOUR COVENANT,”—to be engraved on his monument; and there, in Westminster Abbey, it still remains.

Meanwhile, the immediate result of all this perfidy is seen, in the entire change which is perceptible in Edward's policy. For thirty years he had been singularly merciful, insomuch that Lingard, as we have just seen, declares it to be “difficult to point out any conqueror who had displayed equal lenity.” But there is truth in the maxim, “Beware of the anger of a patient man.” Edward was not naturally a patient man, but he had the command of his own spirit; he loved justice tempered with mercy; and one of his

chief principles of action had been shewn in his hasty exclamation in Segrave's case, implying clearly that to seek his mercy, in all ordinary cases, was to find it. But now he evidently felt, that the time for shewing lenity was past. There is a degree of sternness, mingled probably with some feeling of exasperation, in the acts of the last year of his life. But his love of justice never varied, and cruelty was a thing to him unknown.

"Although broken in body," says Mr. Tytler, "this great king was, in his mind and spirit, yet vigorous and unimpaired; as was soon evinced by the rapidity and decision of his orders, and the subsequent magnitude of his preparations. He instantly sent to strengthen the frontier-garrisons of Berwick and Carlisle, with the intention of securing the English borders from invasion; and he appointed the earl of Pembroke, with lord Robert Clifford and Henry Percy, to march into Scotland." It is clear, also, that the whole tone of the king's mind and language was changed, and his purpose was everywhere openly avowed, to take a signal vengeance on all who had in any way been concerned in the murder of Comyn.

Yet the death of that nobleman had deprived him of no favorite, of no intimate personal friend or counsellor. Between this Scottish baron and the king there had been very little intercourse. For four or five years Comyn had kept the field against Edward; while Bruce had been professing the greatest zeal in his service. But Edward recognized in Comyn a frank and earnest opponent, who carried on the war until submission seemed to be a duty, and then surrendered his sword, accepted peace, gave his fealty to the king, and *kept his covenant*. And Edward saw this noble-

man treacherously murdered by that Robert Bruce who had often sat at his table and professed attachment to him,—murdered, too, merely because he would not join in treason. Hence the king's vehement decision seemed at once to be taken,—that for Bruce and his abettors, there was to be no more mercy. The blood of Comyn should be heavily avenged.

And it is quite evident that his feelings were generally shared by his people. A grand religious ceremony was announced to take place at Whitsuntide in Westminster Abbey. There, the king purposed to confer knighthood on the young prince, and on other young men of rank, his companions. Nearly three hundred of the younger nobility and gentry were candidates for this honor, and eager to take their part in the new enterprise. So vast was the concourse of people in the abbey, that some persons were crushed to death in the throng. The king was scarcely able to perform his part; but at the banquet which followed, he took a solemn oath, according to the laws of chivalry, that he would proceed to Scotland, there to avenge the death of John Comyn, and to punish the perfidy of the Scots; and that, when that work was done, he would embark for the Holy Land, and leave his body in that hallowed soil. Soon after this solemnity, the young prince, with the new-made knights, his companions, and a considerable force of horse and foot, began the march to Scotland, leaving the king, who was now in his sixty-eighth year, to follow more at leisure. The rendezvous was appointed for July 8, at Carlisle.

But before either the king or the prince could arrive in Scotland, the new rebellion seemed nearly to have reached its close. The surprise of Roslyn had

been reversed, and a disastrous defeat had reduced Bruce to the condition of a fugitive. The earl of Pembroke commanded a small English force at Perth, then called Johnstown. Bruce, having now gathered to himself something amounting to an army, marched towards the place, and sent a challenge to the earl to come out and fight him. The earl sent him for answer, that the day was now too far advanced, but that he would give him battle on the morrow. The Scotch retired, and incautiously broke up their array, and began to prepare their suppers. Suddenly, the cry was heard, that the enemy was upon them. Pembroke, on second thoughts, disliking to appear backward, had marshalled his forces, and marched out to find the Scots. Bruce, still a young commander, had neglected all the usual precautions, and his troops, taken entirely by surprise, were thrown into utter confusion. Six or seven men of note were taken prisoners, and the loss of the Scotch is said to have been 7,000 men; in fact, the army, such as it was, was annihilated. Bruce himself, with a few friends, escaped to the coast, and fled to hide themselves in the western isles. Here, says Fordun, "he was reduced to such necessity, that he passed a long period without any other food than herbs, and roots, and water. He wandered barefoot; now hiding alone in some of the islands; now chased by his enemies, and despised and ridiculed by his own vassals\*." "He and his friends," says Mr. Tytler, "began to feel the miseries of outlaws. Compelled to harbour in the

\* "Bruce was so beaten by ill-fortune, that he was left alone to take passage to the Isles with two mariners in a boat, who asked him, 'if he had any tidings of Robert Bruce?'"—*Scala Chronica*, App. p. 287.

hills, deprived of the common comforts of life ; he and his followers presented a ragged and wretched appearance. Their shoes were worn off their feet by constant toil ; and hunting, instead of pastime, became a necessity\*.” The English army, scouring the country, picked up all the fugitives they could find, and the chief power of Scotland was opposed to the insurrection. The lord of Lorn beset the passes, and had nearly captured Bruce. The earl of Ross seized Bruce’s wife and daughter, and handed them over to the English. The bishops of Glasgow and St. Andrew’s, the abbot of Scone, the lord Seton, the earl of Athol, and the countess of Buchan, all were successively found, and brought in as prisoners. The king had now arrived at Dumfries, and the prince, after scouring the country, came to Perth. Bruce, now wholly disheartened, sent messengers to the young Edward, to learn whether his submission would be accepted. But the king, when he heard of it, was incensed with the prince, for holding any correspondence with “that traitor.” We thus see the distinction drawn between his case and Wallace’s. Wallace, after all his cruelties, was “to be received, if he chose to submit himself ;” but Bruce’s perfidy, his sacrilege, and his treacherous murder of Comyn, had put him beyond the pale of mercy. The king had sworn to avenge Comyn’s murder, and hence, with Bruce, no communication was to be held.

There was now no visible insurrection in Scotland, the chief rebel being a mere fugitive among the hills. Hence, in October, we find the king at Lanercost in

\* Tytler, vol. i., p. 222.

Cumberland, where a council was held, and a deliberate sentence passed, with reference to the rebellion and its chief abettors.

This ordinance, in which various Scottish writers profess to find cruelty, is merely identical with what, *under the like circumstances*, would be passed at the present day. The parties arraigned had, most of them, been rebels in past years, and had found mercy. They had, in most cases, sworn fealty to Edward again and again, and had asked and received pardon. Their lives and their lands had been forfeited, and the forfeiture had not been exacted. Yet, after all this lenity, they were again found in rebellion ; and now with the added guilt of murder and sacrilege. They had slain the first nobleman in Scotland, treacherously and perfidiously, and “in a place of tremendous sanctity.” What, in our own time, would be the judgment passed on such criminals ?—or rather, what *has been* the punishment adjudged to such criminals, within the last two years, in our Indian possessions ?

The Ordinance of Lanercost declared, “That all who were guilty, or were abettors, of the murder of John Comyn, should be hanged ; and that all who advised or assented to such murder, should have the same punishment.” “And that all who were aiding or assisting Robert Bruce, or were procuring or persuading the people to rise, contrary to law, should be imprisoned during the king’s pleasure.”

Could queen Victoria, *under like circumstances*, be advised to pursue any less severe course ? Yet, for this mere administration of justice, is the king charged by some writers with “cruelty !”

Doubtless he had now deliberately laid aside that singular lenity with which, for ten years past, he had treated the Scotch, and had become convinced that, with respect to some among them at least, mercy would be no longer consistent with a proper regard to justice. Yet surely, the second of these provisos, which merely ordains for actual rebels “imprisonment during the king’s pleasure,” is one seldom equalled for its temperance and lenity. There was also perceptible, in some of his decisions, that notion of apportioning the punishment to the offence, which was observable in former years. Thus, the countess of Buchan had, careless of Bruce’s perfidy and recklessness of crime in the murder of Comyn, rushed forward with zeal to take part in his coronation. She was now a prisoner. The king said, “Since she has not struck with the sword, let her not be stricken with the sword; but as a penalty for the treasonable coronation in which she took part, let her be shut up in a cage made in the form of a crown, that she may be a spectacle and a reproach\*.” The wife of Bruce, being also a prisoner, was sent to England as a captive. These two instances of severity are fastened upon by some writers as shewing “vindictiveness.” Yet the countess of Buchan was plainly guilty of treason; and to have allowed Bruce’s wife to return free into Scotland, would evidently have been an act of imprudence. But the censors of Edward’s conduct neglect to remark, that the countess’s cage was ordered “to have all the conveniences of a handsome chamber;” and that Bruce’s wife was sent to the king’s manor of Bruntwick; with seven

\* Matthew of Westminster.

attendants, and liberty to ride out whenever she chose\*.

But with the male prisoners the Ordinance of Lanercost was carried into effect. Nigel Bruce was brought to trial at Berwick, hanged and beheaded. Christopher and Alexander Seton, both Englishmen, shared the same sentence. These had been all concerned, in various ways, in the murder. The earl of Athol had taken part in the coronation of Bruce, and had been in arms at the affair of Johnstown. He attempted to escape by sea, but was driven back by a storm, and captured. Sir Simon Fraser was the same person who had cruelly murdered Ralph the cofferer at the battle of Roslyn, in 1302. He had received pardon for the offences of that period, but was now found again in arms. These two were tried in Westminster Hall, and executed, and their heads placed on London bridge. "If we consider these men," says Lingard, "as champions of freedom, they may demand our pity; but their execution cannot substantiate the charge of cruelty against Edward. Some were murderers, all had repeatedly broken their oaths of fealty, and had repeatedly been admitted to pardon."

The winter now reigned, and Bruce was hidden in the little isle of Rachrin. On the approach of spring he surprised the isle of Arran, and from thence sent spies into his own country of Annandale. The English in and near Turnberry Castle were cantoned in careless security, hearing nothing of any enemy; and it was not difficult to take them by surprise. Lord Henry Percy shut himself up in the castle; but

\* *Palgrave's Documents*, p. clxxxix.

he was soon relieved by the arrival of sir Roger St. John with a thousand men. About this time, two of Bruce's brothers, Thomas and Alexander, having collected about seven hundred men in Ireland, landed in Galloway. But they were met on landing by Macdowal, a Scottish chief, who remained true to his oath. The Irish auxiliaries were routed and scattered, and both the Bruces, with sir Reginald Crawford, were taken prisoners. They were sent to Carlisle, and, having been concerned in Comyn's murder, were immediately brought to trial and executed. The whole of the executions on the scaffold which took place in consequence of this rebellion, included about sixteen or eighteen persons. Most of these had been concerned in Comyn's murder, either as actual parties, or as accessories. Yet is it insisted upon by some writers, that these punishments partook of cruelty. These critics, however, have no censure to spare for such atrocities as "the Douglas larder," which was perpetrated on Palm Sunday. Sir James Douglas, one of Bruce's adherents, surprised the English garrison of Douglas *while in church*. He butchered them all, after Wallace's manner, and as he had no strength wherewith to hold the castle, he raised a great pile of wood, threw the bodies of the English garrison upon it, and then setting it on fire, consumed the whole\*. Such deeds as these were not calculated to soften the king's disposition, or to dispose him to lenity when any of Bruce's immediate accomplices fell into his hands. And when, indeed, was such a rebellion as this suppressed,—as, during Edward's lifetime, it *was* suppressed,—with so small

\* Tytler, vol. i, p. 235.

an amount of judicial punishment? Four centuries later, another Scottish rebellion was quelled, while England was guided by the councils of Pelham, Hardwicke, Stephen Fox, Granville, and the elder Pitt. And these statesmen did not shrink from exhibiting, in various places, eighty ghastly heads, or from beheading, on Tower hill, lords Kilmarnock and Balmerino, and finally, lord Lovat, a man whose years were fourscore\*!

The spring of 1307 was now advancing, and Bruce, whose valour and personal prowess were of the highest order, found many opportunities of harassing the English by surprises and sudden encounters. His success, however, was not unvaried. On one occasion, he lost his banner, and was in the greatest peril of capture or death. In May, he ventured to stand the assault of the earl of Pembroke, and by strongly posting his men, armed with long spears, he defeated the earl's attempt to break his line, and drove back the English, who had only cavalry to oppose to his spears. Three days after, he encountered the earl of Gloucester, whose force he also routed, and who retreated into the castle of Ayr. But the king, hearing that Bruce was in the field, sent a force from Carlisle, before which Bruce retreated. "He then took refuge in the marshes and forests, where the English found it impossible to follow him†." And thus stood matters at the opening of July 1307.

But now drew near that great event, for which, there can be no doubt, Bruce had long been eagerly looking, and which entirely changed the whole position of affairs. The king, as our readers will probably have observed, had never made his appearance in the field, during the whole of the fifteen

\* See Appendix N.

† Matthew of Westminster, 1307.

months which had elapsed since the first outbreak of the rebellion. He had found it possible to get as far as Carlisle and Dumfries, but Bruce knew full well that his active career as a military commander was for ever terminated. The last few months of his life presented merely a painful struggle, between a still vigorous mind and a decaying body. During all the spring of 1307, a dysentery had detained and weakened him; and the natural ardour of his temperament must have conspired with the disease. His very longing for the active life to which he had been so long accustomed, supplied fuel to the inward fire which was already consuming him. Bruce's reappearance in the field, and his occasional successes, made any longer delay appear intolerable. Persuading himself, at the beginning of July, that his disease was abating, he offered up the litter in which he had hitherto travelled; in the cathedral of Carlisle, and mounted his horse for a new expedition into Scotland. But the decaying body was unable to answer the call of that powerful spirit. The effort merely brought on, at once, that termination of his disease which might otherwise have been delayed for months. In the course of the next two or three days, he was unable to proceed more than some six or seven miles, reaching the village of Burgh on the Sands, where he probably halted at the close of the first or second day's march, and where, on the 7th of that month, he died.

His last hours were spent in vainly endeavouring to impress upon his son some obvious lessons of prudence and firm resolve,—lessons which were indeed greatly needed; but which the young prince seemed mentally incapable of receiving. He enjoined upon him never to permit the return of Gaveston\*. He

\* See Appendix O.

urged him, forthwith, and once for all, to put down the Scottish revolt ; the means of which were all prepared and ready for his hand. So earnestly and enthusiastically did he feel on this point, that he desired his son to carry, after his death, his bones at the head of his army ;—so that he, before whose charge no Scottish army had ever been able to stand, might, even after death, be still in some sort present in the first shock of the battle.

But he spoke to ears which had already been closed, by luxury and dissipation, against all high and noble counsels. Not one of his commands was obeyed. The young king no sooner saw the power and splendour of royalty within his grasp, than he turned his back, at once, on the calls of honor and duty. The great and all-important object of putting down the insurrection in Scotland, was disregarded. The forward march was countermanded, the anticipations of Bruce were fully realized, and the union of the two kingdoms,—the great object of Edward's labors during the last ten years,—was forgotten and practically abandoned. The remains of the greatest king that England had ever seen, were quietly removed to Westminster, and were placed near to his father Henry and to his beloved Eleanor. A simple tomb received that noble heart, with the brief inscription,—

EDVARDUS PRIMUS: SCOTORUM MALLEUS:  
HIC EST: MCCCVIII.  
PACTUM SERVA.

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The death of Edward may be said to have ensured the ultimate success of Bruce's ambitious enterprise.

The two greatest knights in Europe at that period, says Froissart, were king Edward and Robert Bruce. On the removal of the first, the second found no equal in the field. Not only so, but there was opposed to him, in Edward's room, the weakest and most incompetent monarch that ever sat on the throne of England. It was nearly inevitable, therefore, that he should entirely succeed in the object to which he had devoted himself. He decided the question of "the independence of Scotland" at Bannockburn ; inflicting on the English the greatest defeat which they had received since the battle of Hastings. He continued, after this, in quiet possession of his Scottish throne for about fifteen years, and then died, comparatively young, of what was called a "leprosy." But valour crowned by success has gained, as it usually does, the applause of the multitude, and Bruce is generally lauded for his "patriotism ;" while Edward, whose plans he succeeded in frustrating, is censured for his "ambition." The practical question, however, for us, now far removed from these scenes of strife, is, whether this judgment ought not to be reversed ; and the praise of patriotism given to Edward, while the blame belonging to ambition is awarded to Bruce.

Of the two principles or theories, respectively maintained by Edward and by Bruce, little need now be said. When Edward,—as an unfriendly historian remarks,—"saw that before England could mount very high in the scale of nations, the whole island must be one undivided power, instead of three," his sagacity merely discerned, five centuries ago, a political necessity respecting which there has been no difference of opinion for generations past. We can all now see, at a glance, the wretchedness

and weakness which England must have suffered, if, in the days of Louis XIV. and Napoleon, Scotland had been an independent state, always ready to take part with France. Nor would the whole, or the chief part, of the misery and peril have been England's. Scotland, when, as of old, eagerly uniting with France to humble England, was ever the dwarf going to battle by the side of the giant. Of the hard blows she received her full share; while the glory and advantage, when there was any, usually fell to the lot of her ally.

The “independence” which Bruce was supposed to have “vindicated,” required, for its satisfactory maintenance, the continuance of those peculiar circumstances under which he had achieved it:—that is, that Scotland should be ruled over by an able prince, and England by a foolish one. So soon as this exceptional state of things came to an end, then began a long series of disasters for Scotland; and, if Edward III. had possessed a tythe of his grand-sire's sagacity, the whole result of Bruce's enterprise would have vanished almost before his tomb had closed. Alison, after noticing Bannockburn, confesses, that “never, at any subsequent period, was Scotland able to withstand the more powerful arms of the English yeomanry. Thenceforward, her military history is little more than a melancholy catalogue of continued defeats.” And this was inevitable. Assuming the two nations to be equally brave,—the English were usually the better armed, the better equipped, and were far more numerous. How could it be otherwise; seeing that the one nation was more than twice as populous and wealthy as the other? And hence, when Bruce had disappeared, and the exceptional circumstances of his day had ceased, the

English soon balanced the account for Bannockburn at Halidon-hill ; while at Dupplin-moor, at Durham, at Hamildon-hill, at Flodden, and at Pinkie, they inflicted on the Scots five other great defeats. In these six battles, the loss of the Scots is computed at nearly 100,000 men. If we assume the loss of the English to have been one-third of this number, and then add to the reckoning a reasonable estimate for skirmishes and continual "border-raids," we shall find that the two nations lost, between them, nearly *a quarter of a million* of valuable lives ; while the destruction of property defies computation. Such were the visible and tangible fruits of the success of Bruce's ambitious enterprise !

But did Scotland obtain, in recompense for these sacrifices, any liberties, immunities, or practical advantages, which should have reconciled her to all this carnage and desolation ? The answer must unquestionably be in the negative. Some writers, indeed, of the unscrupulous class, have striven to make out a justification for Bruce, by describing Scotland as a conquered nation, reduced to the most servile bondage, until he gave her deliverance. But all respectable historians, even among the Scots themselves, now admit this to be a mere fiction. Thus, Mr. Tytler says, of Edward's first settlement of Scotland, in 1296, "The measures he adopted were equally politic and just." "No wanton or unnecessary act of rigour was committed ; no capricious changes introduced." And on the second settlement, in 1304-5, we have seen that Edward gave his confidence chiefly to Wishart, Moubrey, and Robert Bruce. He thus left the measures to be adopted to be indicated by those who were most nearly concerned.

But what was the condition into which Bruce's

success brought Scotland? Let any one patiently study the history of that country, from 1330 till 1600, and say, if the state of the realm was such as to redound to the honor of its "deliverer." Of one period (1392) sir Walter Scott thus writes, "To use a scriptural expression, 'every one did that which seemed right in his own eyes,' as if there had been no king in Scotland." Of another period he says, "If we look at Scotland generally during the minority, it forms a dark and disgusting spectacle" (p. 283). And Mr. Tytler says, "The nation had been reduced to the lowest pitch of impoverishment in every branch of public wealth" (v. ii., p. 75); and again, "The pride and power of the feudal barons had risen to a pitch destructive of all regular subordination" (p. 85); and again, "Scotland seemed to be rapidly sinking under her accumulated distresses" (p. 94).

It was not, then, for Scotland's good, any more than it was in obedience to Scotland's call, that Bruce raised his standard, and became the leader of a successful rebellion. His motives and objects were identical with those which brought William I. and Stephen to England, and carried Simon de Montfort to Toulouse. To cite again the words of sir Walter Scott,—the leading idea of a Norman knight was, "to wander from land to land in quest of renown, and to gain earldoms or even kingdoms by his sword." He was "neither by birth nor manners accessible to the emotions which constitute patriotism." It was for *his own* glory and renown that Bruce fought his way to the crown of Scotland, and thereby perpetuated a state of division and alienation between England and Scotland, which was deeply injurious to both. It is this which constitutes

the vast and all-important distinction, which nothing can obliterate, between the heroism of a Cincinnatus or a Wellington, and the mere valour and success of a Cæsar or a Napoleon. The former fights and conquers for *his country*,—the latter, for *himself*.

But was Bruce's enterprise successful, in more than a transient and momentary degree, even when viewed in a selfish and unpatriotic light;—even when regarded with reference to his own interests? Surely not.

He aimed at the crown of Scotland, and he gained it. But at what a price! He was already a Scottish earl, and an English baron, and the lord of large estates in both kingdoms. He had four gallant brothers, who emulated his valour and his distinction. Possessing Edward's favor, there was scarcely any elevation of which a subject was capable, to which he might not have aspired. But he chose a more perilous and criminal course, and he experienced some of its most fearful consequences.

Of the five gallant knights who bore the name of Bruce in March 1306, four had fallen by violent deaths before the year 1318 had closed. Three of these, who had aided their brother in the murder of Comyn, fell on the scaffold within the first twelvemonth; the fourth, Edward, following in his brother's footsteps, resolved to find for himself a kingdom in Ireland, as Robert had done in Scotland, and he perished in the attempt. And now, he who had led his brothers to their early graves, was left alone; his wife for several years being a captive in England. At last he, too, quitted life in 1331, by a loathsome disease, leaving an incompetent son to spend a large portion of his life in an English prison. On this son's death,

the line of Bruce on the Scottish throne, ended, and the line of Stewart, by marriage with his only daughter, succeeded,—a line perhaps scarcely to be paralleled among those who have worn a crown, for disaster, wretchedness, and disgrace\*.

Bruce, then, by unrighteously coveting that which was another's†, had involved his whole family in guilt, and danger, and suffering; and had inflicted upon two nations great and lasting calamities. And against this imputation there is no valid defence. The pretence of "patriotism" was, as we have seen, wholly fictitious and hypocritical; but the crimes by which he "waded through slaughter to a throne" were real and substantial. His ingratitude for numberless favors and kindnesses lavished upon him by Edward, and his reckless disregard of many solemn oaths and voluntary engagements, all reduce his character to the level of one, whom neither vows nor obligations could bind: while his base and perfidious assassination of an unarmed man, merely because he stood between him and the throne, ranks him, at once, with those bold but unprincipled politicians, to whom

\* Robert III. died of a broken heart: James I. was murdered: James II. accidentally killed: James III. was murdered: James IV. died on Flodden-field: James V. of a broken heart. Then came the calamitous and disgraceful days of Mary, and her death upon the scaffold; James's troubled reign, and his son's bloody death; the degraded life of Charles II.; and at last, in his brother's person, the final expulsion of this wretched family.

† If Edward's claim and Baliol's resignation were valid, then the throne was lawfully Edward's. But if any Scotchman contested this point, then the right, in his eyes, would still vest in the descendants of David, earl of Huntingdon. And of these, Baliol and Baliol's son stood first; then Comyn, who was the son of Baliol's sister; and only in the third place stood Bruce.

crime presents no obstacle, and for whom conscience appears to have no warnings.

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It only remains that we add a few words on the character of the truly great man to whose memory this volume has been dedicated. And these words will be limited to a very few points.

There is no dissentient voice among the numerous writers who have dealt with the English history, as to the indubitable fact, that Edward was, in the common acceptation of the words, "a great king." Even those who make no attempt to conceal their national prejudices, are compelled to admire "this great statesman and commander\*,"—this "most sagacious and resolute of English princes†,"—this "model of a politic and warlike king‡." But they strive to deprive him of his rightful honor and esteem, by suggesting or insinuating charges of "ambition," of "injustice," and of "craft and dissimulation." These accusations, we must again repeat, were unheard of among Englishmen, until various Scottish writers undertook to amend our current histories, and until they imported among us their own prejudices, dislikes, and animosities. And now, a serious and dispassionate study of the subject, has led us to the belief, that all these charges are destitute of foundation; and that an enormous wrong has been done to the memory of this first of English kings. And if this be so, the subject is evidently one which ought to command our most serious attention. A hero of the second order,—one who wins

\* Mackintosh.

† Scott.

‡ Hume.

battles, and conquers kingdoms, without much regard to either justice or mercy,—might be assailed without exciting much interest in his behalf; for history furnishes us with an abundant supply of “great men” of this description; and the loss of one of them from his accustomed place, need excite neither alarm nor sorrow. But of those who have been truly great,—those who have refused to rely on “the powers of intellect without conscience,”—the number has hitherto been but small; and the undeserved removal of one of these from his rightful place in the annals of the past, is a moral injury inflicted on ourselves and our children.

Our own sincere conviction is, that the view of Edward’s character taken by all English writers for three centuries, was substantially the true one, and that he merits our admiration, not so much for his “greatness,” in the vulgar and popular sense, as for his real nobleness of heart and soul. A valiant swordsman,—the wielder of a terrible battle-axe, like Richard I.,—may command a wondering applause; and the able leader of mighty armies, like Cæsar or Napoleon, may reasonably demand a yet higher place;—but there is no real greatness apart from truth and honor, from justice and mercy. And it is that highest kind of heroism, which is compounded of all these, that we claim for Edward the First.

In the fifteenth century, old Fabian, describing this king, says of him,—

“ This prince was slowe to all manner of strife:  
Discrete and wise, and true of his worde:  
In arms a giant, term of all his life;  
Excellent acts doing by dint of sworde.”

So that this honest and well-informed citizen of

London, writing one hundred and eighty years after Edward's death, and having no conceivable motive for adulation, awards him honor, in the first place, for his pacific disposition, his practical wisdom, and his truth and honesty ; and then, but only in the second place, for his puissance in the field, as a warrior and commander. And thus did England long continue to revere "the good king Edward," as Froissart terms him, until another race of historians appeared, who, having imbibed, from their youth a national dislike to the conqueror of Scotland, strove to represent him as "sagacious and resolute" indeed ; but also as a man of "restless ambition," and of "craft, injustice, and fraud." To all which representations we oppose the objection, that they rest wholly upon statements made by writers who had lived two or three generations after Edward's departure ; and who had the most obvious motives for traducing his memory, and exalting that of his Scottish antagonists.

"That which is *first* is true," said Tertullian,— "that which is *later*, is corrupted." This, which was spoken of Christian doctrine, is equally true of historic fact. The conception of Edward's character which all Englishmen received, up to the close of the seventeenth century, rested upon the facts recorded by ten or twelve English chroniclers, of at least average credibility ; and who narrated the events of their own time. They have told us that Edward was not only a great warrior, a great statesman, and a great legislator ; but that he was backward to engage in war, wise and temperate in prosecuting it, and prompt to seize every opportunity of making an honorable peace. They have also depicted him as a firm and sincere friend ; and as one faithful to all his

engagements. These are the features which raise his character above that of the mere conqueror, or of the adroit and able statesman. But, as that characteristic which most distinctly marks the hero, we would indicate the frankness, the earnestness, the true nobleness, which are apparent in his every action.

We know nothing, in the whole compass of historical literature, more shamefully unjust or untrue, than the imputations cast upon Edward's character by some Scottish writers, of craft, of subtlety, and an insidious and fraudulent policy. It would be scarcely more at variance with established facts, to represent him as a dwarf or a coward. Throughout his whole life, a frank and noble fearlessness marked his every step. His objects and purposes being at all times just and honorable, he was ever ready, and even eager, to explain and to justify them. Thus, when opposed to Simon de Montfort, he went to Kingston to confer with the old earl, even though it led to Simon's seizing the opportunity to make him a prisoner. Not even this lesson could teach him timidity, for soon after we find, that seeing the earl's sons among the hostile force at Gloucester, he went out, unarmed, to confer with them. Later in life, when the archbishop contends with him, he gives him a private and special audience; desiring him to "say freely what he would," and listening with patient attention. Shortly after, an earl opposes him; and the king instantly writes to him to say, that he "wishes to have a private 'colloquium' with him." The people of London feel the pressure of war-requisitions; and their sovereign desires them to meet him at Westminster Hall, where he speaks with them face to face,—explaining the public necessities, deplored their burdens, and promising to remedy all

grievances as soon as possible. Soon after, the discontented earls transmit to him a statement of grievances. He does not prosecute or imprison them ; but replies by a manifesto of his own, which he transmits to all the sheriffs for general publication. Thus, throughout, he never shuts himself up in silence to work out any secret purposes ; but is ever earnest, sincere, frank, and open-hearted.

When the Hebrew king of former days asked God for the gift of "wisdom," his prayer was heard, and God gave him "largeness of heart." And truly for all, but more especially for a king, real wisdom, in temporal matters, is always found to be associated with "largeness of heart."

But what is the true meaning of the phrase ?— for it may pass through the ear without leaving on the mind any distinct impression.

It means precisely the opposite to what Napoleon Bonaparte meant, when with unintentional *naiveté* he exclaimed, "FRANCE!—that is, ME." The constant sentiment of Edward seemed to be, "I!—that is, ENGLAND." On the one side we have *contraction*; all things made to bend to *self*:—on the other, we have *expansion*; the individual losing himself in his duty, in his people. The French emperor would conquer, overrun, waste France's blood and treasure, in order to augment the power and glory of "ME," Napoleon Bonaparte. The English king, on the other hand, seemed to merge himself in his people. Of and by himself he had no existence ; he lived for, and by, and with them. Thus speaks he, in that remarkable statute of 1306 ; in which it is impossible to doubt that we hear his own voice :—"About this chiefly is our mind busied without intermission ; that we may provide ease and comfort for our subjects

dwelling in our realm ; in whose quietness we have rest, and in whose tranquillity we are comforted."

Thus begins and proceeds his whole life. In his earliest manhood, A.D. 1259, he regards not himself or the crown chiefly, but "makes it known to the barons that he will stand by the community, and will cause the promises which they have made to be performed." A few years later, while still only heir to the crown, we trace his hand, we hear his voice, in the Statute of Marlborough, which describes the king his father as "providing for the better estate of his realm of England, and for the more speedy administration of justice, *as belongeth to the office of a king.*" And this same spirit pervades his whole course of government and legislation, during more than thirty years. In his transactions with the Welsh princes, there was nothing of the autocrat. Every step was discussed and ordained *in a parliament.* And when, finally, the survivor of the two princes was captured, we hear of no sudden and arbitrary punishment, such as would have taken place in any of the next twelve reigns ; but a parliament is convened, especially to decide as to "what is to be done with the same David." So, when Philip of France fraudulently seized upon Guienne, the case is laid before a parliament. When the earls hand him a remonstrance in 1297, he replies, "that not having his council with him, he could give no reply on matters of such importance." When the pope sends him an arrogant claim, he answers, "that there were many of the chief men of the kingdom not then with him, without whose advice he could give no final answer." The same year, in summoning the parliament of Lincoln, he writes to the sheriff of Cumberland,

"that though the commissioners of perambulations had brought him their reports, yet since the prelates, barons, and other great men of the kingdom were not with him,—*in whose presence he would have his own reasons, and the reasons of others propounded and heard, and by whose advice he intended to proceed,*—he enjoins the said sheriff to send to the said parliament," knights, burgesses, &c. And in addressing that parliament, his justiciary says: "His majesty has ordered me to let you understand, that whatever he hath done in his late wars, hath been done by your joint consent and allowance."

And these phrases were no mere empty, unmeaning professions. When we see Edward collecting the people of London together in Westminster Hall, that he might speak to them face to face,—when we find him, just before, calling around him in parliament the representatives of all the principal towns, on the declared principle, "that what concerns all should be by all approved,"—and when a little later, we find him sending out for publication in every county, a royal declaration, in which he pleads with the people, defends his conduct, and promises to amend whatever is wrong,—we feel assured that we are dealing with a large-hearted man;—with one who is strong in his conscious uprightness; one who courts discussion, and is ready to assign a reason for everything he does; one who identifies himself with his people, knowing but one common interest, and desiring to unite them with him both in action and in feeling. And this was no momentary impulse, it was the unchanging tenor of his life; nor was it a vague or empty profession, for it ended in giving to England her present House of Commons.

Assuredly, also, there is an indissoluble connection, as was seen in Solomon's case, between largeness of heart and wisdom, or largeness of the intellect. We find in history's page no nobler man than Edward, none of a greater soul; and, assuredly, we find no one that surpasses him in the attribute of lofty sagacity. So agree even all those who most dislike him, styling him "most sagacious," "a great statesman," "the model of a politic king." But they do not stop to point out the remarkable union, in him, of three different kinds of wisdom. He was a great legislator; but there have been many legislators who were not statesmen. Edward was a statesman also, and one of the highest order; but there have been statesmen who could not rule. He was a ruler as well as a statesman, and a statesman as well as a legislator, and he stands pre-eminent in all three departments. How many men have lived upon this earth of whom this could be said? To how many sovereigns could the couplet be justly applied, which for centuries was affixed in Westminster Abbey to his simple tomb?—

"Dum vixit Rex, et valuit sua magna potestas;  
Fraus latuit; pax magna fuit; regnavit honestas."

As a ruler, power and clemency shone forth in every action, and wisdom guided every decision. A modern writer has well said, "Let us not withhold from the greatest of English sovereigns his just meed of praise. He sought,—and in a great measure he accomplished it,—to establish the supremacy of law over all classes of the community; and for this he merits the eternal gratitude of succeeding ages\*."

\* *History of Shrewsbury*, p. 136.

But that which crowns and completes the whole, is, the *whole-heartedness* of Edward's character. Whatever he undertook, he undertook sincerely and earnestly ; and whatever he purposed, he purposed frankly, avowedly, and *with all his soul*. Thus, when a powerful and factious opponent, Winchelsea, traverses his purposes and frustrates all his plans, he desires him to come to him, and then tells him to say freely what he would. He hears him patiently and without interrupting him, and then gives him his reasons and his determination in reply : —adding, that “in this cause he would fearlessly die ;” because he was sure he was in the path of duty, and was rightly upholding the true interests of his realm and its people.

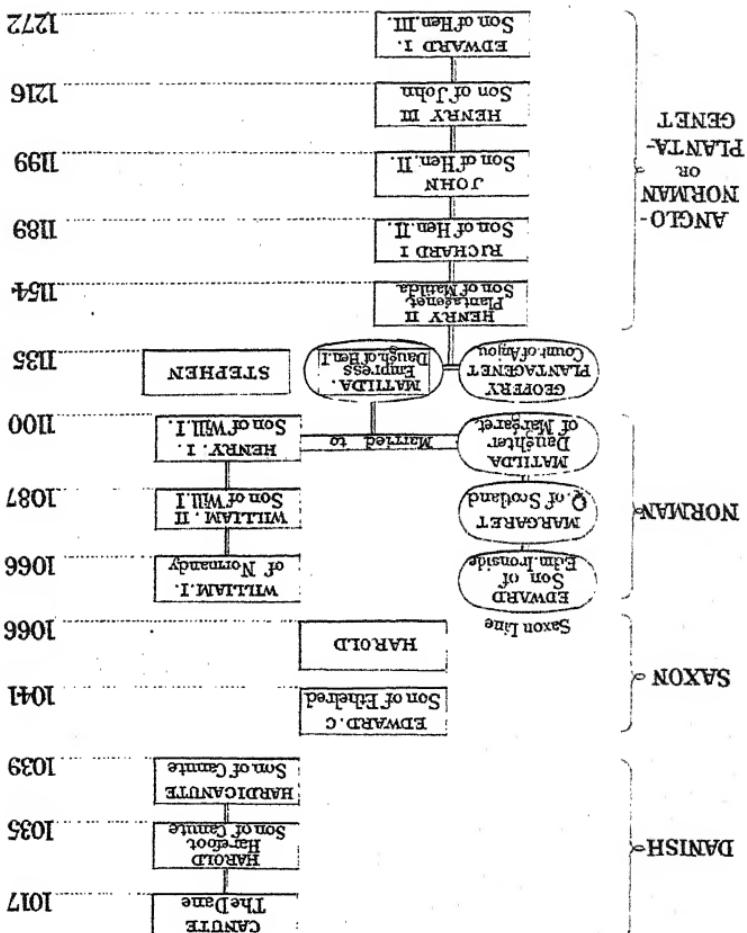
And it is this evident sincerity and truth,—this constant appeal to conscience and right, which completes the character of this truly noble king. He was a warrior, a statesman, a legislator,—these are excellencies which even the most hostile of his critics cannot help conceding to him ; and it is probable that in all these characters he had no superior. But what would all these high qualities have done for him, if truth had required us to add, as in the case of Napoleon, that “he had not the merit of common truth or honesty ;” “doing all that in him lay to live and thrive without moral principle\*?” Had this been the case with Edward, the foregoing pages would never have been written. The sole attraction which has led us through this enquiry, has been,—the elevation, the warmth, the intrinsic nobleness of this great king's character. True and

\* Emerson.

faithful, fond and affectionate, to his consort and his family; just and firm in his friendships; wise and prudent in his conduct of his royal state and revenues;—his private life is without a stain. In his kingly office, he rightly judged, that good government and enlightened legislation were his first duties. The rights of the crown he justly regarded as the rights of the nation; and deeming himself their appointed trustee, over them he kept a constant guard. The only ambition which he ever shewed, was the just and laudable ambition of leaving his people more free, and his realm more united and powerful than he found it. Meanwhile, his skill in statesmanship and his puissance in the field he would willingly have left to slumber,—deeming them, more wisely than many of his critics, not the highest, though sometimes the most shining, parts of an heroic character.

Ardent manhood, warm affections, a constant regard to truth and honor, a conduct regulated in all things by the declared will of God,—these are qualities which, in any station in life, give to their possessor the character of *goodness*. Sagacity and penetration, practical wisdom, undaunted courage, a talent for command, a genius for victory,—these, in the popular view, endow a man with the splendour of *greatness*. Combine all these qualities in one man, in a degree of perfection scarcely found in any other human being; and add to them an unwearied industry, a wondrous power of self-command, and a patient endurance of provocations which is, perhaps, without a parallel,—and the result is still only an inadequate outline of the resplendent character of “this great king.”

## APPENDIX.



*Continued*

			EGBERT	First King of England
		AD. 827	ETHELWOLD	Son of Egbert
836			ETHELBLAID	Son of Ethewold
698			ETHELRED	Son of Ethewold
998			ALFRED	Son of Ethewold
871			EDWARD	Son of Alfred
901			EDWARD	Son of Alfred
925			ATHELSTAN	Son of Edward
941			EDWARD	Son of Edward
946			EDWARD	Son of Edward
955			EDWARD	Son of Edmund
969			EDGAR	Son of Edmund
975			EDWARD, M.	Son of Edgar
978			ETHELRED	Son of Edgar
1016			EDWARD	Son of Edgar
1017			CANUTE	The Dane

Descent of Prince Edward.

B,—*page 80.*

## THE CLEMENCY OF EDWARD,

WHILE speaking of Edward's clemency and generosity of soul, we ought not to overlook, perhaps, the one solitary story of an opposite kind which is related of him.

Matthew Paris, who leaned to the faction of earl Simon, and who did not live to see Edward in maturity, gives a single incident, which he relates, obviously, from hearsay, but which implies a charge of wanton cruelty. He tells us that the prince, in his youth, and in the course of the wars in the Marches of Wales, upon one occasion ordered a man to have one eye put out and one ear cut off. He narrates it as an act of reckless barbarity. We can imagine the fact to have occurred; but we disbelieve the imputation. Edward was a youth distinguished for tenderness of affection and generosity of feeling. He shewed himself, in after-life, a just and conscientious ruler. Taking a general view of his character, we can entertain no doubt that, if he inflicted such a punishment, it was for an act of miscreancy. The man had probably been guilty of some deed of savage cruelty, and Edward had heard of the Levitical rule, "An eye for an eye, and a tooth for a tooth." So qualified, we accept the story; but an act of wanton cruelty would be at variance with all we know of the prince's character in after-life. Even sir James Mackintosh admits, that "his temper was not infected by wanton ferocity."

C,—*page 86.*

## THE STORY OF ELEANOR'S HEROISM.

THERE is scarcely a reign in the whole English history, into which so much of romantic fiction has been introduced, as into that of Edward. Yet these fables have not the excuse which might have been pleaded, if the period had been that of the ancient Briton or Saxon times. Solid and authentic material is abundant in Edward's days, and we find little temptation to turn aside to fiction. But this sufficiency renders the severance of fact from fiction the more easy. There are so many competent and credible witnesses found in Edward's days, that the usual rule may and ought to be rigidly observed,—that any fact which is not alluded to by any one of these contemporary writers, must be held to be unworthy of credit. If we only keep this sound and wholesome canon in our minds, and apply it on all occasions, it will clear away from Edward's history a mass of absurd fable.

One of the earliest in order of time, and perhaps the most popular, is that which gives to the princess Eleanor the merit of drawing with her lips from the wound received by Edward at Acre, the poison which was supposed to have been left in the flesh. This was just the sort of story to be popular, and it has found its way into most of our school-room histories. Yet it is impossible to accept this story, or even to hesitate in rejecting it. It is found in none of the English chronicles of the time, though some of them give the particulars of that attempt. The fiction first appeared in a Spanish work, written a century or two after. No reason can be assigned, why the writers of king Edward's day should have omitted such an incident, had it ever occurred. Their silence, and the appearance of the story only in a distant land, and after a considerable lapse of time, deprives it of all right to be now received with credit.

D,—page 96.

#### ON THE RISE OF PARLIAMENTS IN ENGLAND.

Of the councils or parliaments held in Saxon times we have no certain knowledge; but there is little difficulty in tracing the gradual rise of the present English parliament.

The Conqueror subdued and possessed England by the aid of a band of warriors; to whom he gave great territorial possessions. While secure of their allegiance, he could afford to set at nought the “mere English”—the poor enslaved inhabitants; but it was needful for him to preserve the good will of his military supporters; who, in reward for their valor, he had made, very extensively, lords of the soil. From the very first, therefore, we find a rule, or admitted law or regulation, that no new levy should be imposed without the consent of “the Great Council.” This council consisted of the barons, who held their estates of the king; and to these the chief prelates were added. Besides this Great Council, the king had his own ordinary council; resembling, in some points, the Privy Council of our own times.

Such was the parliament or council of the Norman reigns. In the days of the last Norman king, John, we observe the first symptom of approaching change. To the barons and prelates some “knights” are added;—for what purpose Mr. Hallam considers doubtful. But we find no *representation* here; for the knights, who were probably tenants of the crown, were merely *summoned*, like the barons. Nor is there any mention of *legislation*. The only change is, the calling in a larger number of the tenants of the crown, to concur in granting the king “an aid.”

The next reign was that of Henry III. And in this reign, of more than half a century, no glimpse appears of a legis-

lature, till towards its very close. The Statute-book of England begins with this reign; but the whole product of fifty-six years is contained in a few folio pages. The "knights" are again mentioned, in one or two instances in this reign. But the feature which has most arrested the notice of historians, is that of the appearance of "burgesses," or borough-representatives, in the parliament held in London in 1265, being the forty-ninth year of Henry's reign. And, as Simon de Montfort was, practically, the dictator at that moment, he has received much praise as the originator of the present English House of Commons.

Let us consider the circumstances. Simon, no English noble, but a foreigner, had seized upon the government; and greatly needed support to enable him to maintain his position. He had set the barons at war with each other; and so fearfully had he reduced their numbers, that to this parliament of 1265 there were summoned *only five earls and seventeen barons*. These, we must conclude, were the whole of the baronage of England that the dictator could reckon upon as his supporters. Clearly, therefore, it was absolutely necessary that he should, by some means or other, strengthen his "rump parliament" from some other quarter. Hence his new resource, of desiring the sheriffs, in the king's name, to send up both knights from the counties, and burgesses from some of the towns.

This new sort of parliament, however, presented but a poor commencement of our present legislative assemblies. No legislation was attempted;—the chief object of the meeting, apparently, being to sanction the pretended release of prince Edward from prison, and his committal to earl Simon's care; and to sanction, also, the transfer of the prince's earldom of Chester to the all-devouring Simon. These are the only recorded acts of that parliament or council.

Up to this time we have met with none of the leading features of our present parliamentary government. The name

“parliament” is only now beginning to appear. The Annalist of Burton calls the meeting at Oxford a “parliament;” Matthew of Westminster calls it a “colloquium.” The meeting or council in London in 1265, is called a “tractatus.” But, in those last days of king Henry’s reign, the term “parliament” is repeatedly met with in the annals of the time. Still we have here neither *representation* nor *legislation*. These councils or parliaments are composed of such persons as the king or the dictator may be pleased to summon; and their business is, to discuss some pending dispute between the king and the barons,—not to make laws.

But prince Edward obtains his release, and the battle of Evesham restores king Henry to his throne. And now we meet with the first document which bears the name of a statute;—“the Statute of Marlborough,” passed in 1267, in the fifty-second year of Henry’s reign. And here, too, we find concurring in the passing of this law, some sort of a representation of the people. Prince Edward assisted at this “concilium,” and we may reasonably attribute to him the phraseology of the preamble of this, *the first English statute*. It runs thus:—

“Our lord the king, providing for the better estate of his realm of England, and for the more speedy ministration of justice, as belongeth to the office of a king;—the more discreet men of the realm being called together, as well of the higher as of the lower degree;—it was provided, agreed, and ordained,” &c.

We have no means of ascertaining the composition of this parliament. It is called “commune Concilium Regni,” and there were present the “Magnates et Discreti;”—the justiciary, chancellor, the judges, and others. It presents, in the language of the above preamble, a mere outline, a general idea, of a legislative assembly; which it was the great business of Edward’s life to complete and fill up.

Three years after this, king Henry died; and the new reign commenced. We have already described, at pp. 100-101,

the tenor of Edward's first legislation. Without the least delay or hesitation, "the commonalty of the realm" are distinctly recognized as entitled to a share in the making of the laws.

But, between the first discovery and recognition of a principle, and its full development in practice, there are usually many halts and pauses. The man who first applied the power of steam to a wheel or a lever, would have been astonished could he have been shewn, in vision, the locomotive engine, dragging after it twenty or thirty heavily-laden carriages. The principle, of the participation of the people in the making of the laws, was frankly and voluntarily conceded by Edward in 1267 and in 1275; but it required the whole thirty-five years of his reign to build up, by successive steps, the popular branch of the English parliament.

He had given us, in 1267, our first STATUTE. In 1275 he had presided over our first PARLIAMENT\*. The phrase had been brought into use towards the end of his father's reign, but it was not officially adopted until the new king commenced the work of legislation. We have already quoted, at pp. 100-101, the preamble to his first great statute; but it seems needful to repeat it in this place.

"These be the Acts of king Edward, made at Westminster, at the first parliament general after his coronation; by his council, and by the assent of archbishops, bishops, abbots, priors, earls, barons, and all the commonalty of the realm, thither summoned."

At once, then, we are introduced to the term "Parliament," now for the first time officially adopted; and we find also that that assembly is taken to be a legislature, and that the making of good laws is one of its chief duties. We find, also, "the commonalty of the realm" now recognized, as an essential

\* "The first mention of the term 'Parliament' is in the preamble to the Statute of Westminster, 1275."—*Blackstone*.

part of the said legislature. But how this part of the scheme was at that time carried out, we know not.

Three years after, in 1278, the king, in propounding the important Statutes of Gloucester, again recognizes the principle of the concurrence of the people in the work of legislation. "The king, providing for the amendment of his realm, and for the fuller administration of justice, having called unto him the more discreet persons of his kingdom, as well of the greater as of the less,—it is ordained," &c.

But, five years later, in 1283, the first great step was taken in the construction of the English House of Commons. Not by an usurping dictator, but by the king himself,—and not to answer any especial purpose; but as a great practical improvement in the system of government,—Edward summoned a parliament to meet at Shrewsbury, and at Acton Burnel, near that town, for the enactment of the Statute of Merchants, and for the trial of David of Snowdon. And to this parliament the king called eleven earls and ninety-nine barons; and he then directs the sheriffs to send from each county two knights; and the mayors of twenty-one cities to send from each two citizens. Here we have at once a parliament essentially like our own. And it is the free gift of the king. No demand had been made upon him,—no exigency or pressure existed. We owe this first commencement of the parliament of England to the practical wisdom and largeness of heart of this truly great sovereign.

As to the previous instance, of burgesses summoned to parliament by Simon de Montfort, in 1265, we remark,—

1. That it was an evident device, suggested to him by the urgent difficulty which pressed upon him; namely, the paucity of his supporters among the barons, and the impossibility of constituting a parliament having even a decent show of numbers, out of five earls and seventeen barons.

2. That this sham parliament never was treated or regarded

as a legal meeting. All its acts were cancelled and annulled by the parliament of Winchester, held in the autumn of the same year. Other parliaments were summoned, often year by year, in the remaining years of Henry's reign, and in the first ten years of Edward's, without the least reference to borough-representation. And it is not until eighteen years after 1265, in October 1283, that Edward, voluntarily, and without any demand being made upon him, orders writs to be sent out, summoning burgesses from London and twenty other great towns, to attend the parliament about to be held in Shrewsbury.

E,—page 139.

THE ALLEGED "MASSACRE OF THE BARDS."

A STORY which Hume has countenanced, and which has consequently found its way into all the school-histories, seems to require a brief notice here. That historian, probably conscious that a suspicion of national prejudice would attach to his complaints of Edward's conduct towards Scotland, adroitly tries, before he touches upon Scotch affairs, to create a prejudice against Edward, on the score of his alleged injustice and cruelty towards Wales and the Welsh princes. We have already seen him representing David as "a sovereign prince," when he was none: and in the same spirit of misrepresentation he ascribes Llewellyn's unwillingness to come to England to pay his homage, to Edward's interception and detainer of Eleanor, his betrothed bride; whereas Llewellyn had so refused, *long before* Eleanor fell into Edward's hands. He also omits all mention of Edward's great kindness and munificence to David, and his resentment at the latter's ingratitude and treachery. But, perhaps, he is most to be blamed for his insertion, without hesitation or reserve, of the following calumny:—

“The king, sensible that nothing kept alive the ideas of military valor and of ancient glory, so much as the traditional poetry of the people, which, assisted by the power of music, and the jollity of festivals, made a deep impression on the minds of the youth, gathered together all the Welsh bards, and from a barbarous but not absurd policy, ordered them to be put to death.”

This fiction Gray clothed with the wings of poesy, and his ode, beginning—

“Ruin seize thee! ruthless king!”

fixed the supposed fact in the mind of almost every school-boy and school-girl in the United Kingdom.

Yet is the charge thus brought against Edward absolutely false, and even entirely groundless. This is honorably admitted by sir James Mackintosh, who says,—“The massacre of the bards is an act of cruelty imputed to Edward *without evidence*; and is inconsistent with his temper, which was not infected by wanton ferocity.”

But the charge is not only made “without evidence:”—there is conclusive evidence existing which entirely destroys its credibility. Sir Richard Hoare, in his edition of *Giraldus Cambrensis*, says,—

“From the time of Edward to the days of Elizabeth, the productions of the bards were so numerous, that Mr. Owen Jones, in forming a collection for that period, has already transcribed between fifty and sixty volumes in quarto; and the work is not yet completed.”

Surely, then, we may hope for the entire abandonment, in these days of attention to evidence, of this utterly groundless calumny.

F,—page 181.

FICTIONS OF THE SCOTTISH HISTORIANS.

CONCERNING Edward's transactions in Scotland, the principal Scottish writers indulge, as might have been expected, in a variety of romantic fictions. We shall briefly notice a few of these.

1.

Sir James Mackintosh, eagerly adopting, without examination, Hume's story of the "great army," and of the "betrayal" of the Scottish barons "into a situation in which it was impossible for them to make any defence," actually writes thus:—

"The circumvention of the estates of Scotland at Norham in 1291, bears stronger marks of resemblance to the artifices by which the royal family of Spain were inveigled at Bayonne in 1808, than can often be fairly traced in occurrences so distant in time."—(p. 264.)

How utterly monstrous is this comparison! Let us recall the facts. In 1808 Bonaparte induced the Spanish princes to come to him at Bayonne, a fortified town, where they were absolutely in his power. He here first persuaded the old king to resign his crown, which was not difficult. Then, turning to Ferdinand, in feigned anger, he threatened him with immediate execution if he did not follow his father's example! "Prince," he said, "you must choose between cession and death\*." In this way, he forced from the Spanish princes the surrender of their kingdom, just as a highway-robber, pistol in hand, compels the passenger to give up his purse.

Compare the case which is so outrageously assimilated to this. Edward did not interfere in Scotland at all, until he had been repeatedly, and by all the chief men in Scotland,

\* Alison, vol. viii., p. 384.

entreathed to do so. He had been appealed to by them as their superior lord;—as the person to whom it belonged, of right, to decide their quarrel. So entreathed, he went. There was no circumvention, no surprise, no attempt at coercion. Having been invoked as superior lord, he asked them, frankly, whether they all received him in that character. The “great army” of which Hume speaks, is a fiction. He had none but his usual attendants. The Scottish barons hesitated. He gave them a day to deliberate, and on their application, extended the time to three weeks. They therefore returned home, free to take whatever course they pleased, and with time enough, if they chose to resist the king’s claim, to collect forces wherewith to do so.

Yet this open, straightforward line of conduct is actually likened, by sir James Mackintosh, to Bonaparte’s inveiglement of the Spanish princes within the walls of a fortress, and his threat to Ferdinand, of death, if he did not instantly resign his crown!

## 2.

Not of sir James Mackintosh only, however, but of Mr. Tytler, a fairer and more cautious writer, must we complain, in this part of the history.

Mr. Tytler, to prove a deceitful and ambitious purpose in Edward’s mind from the very opening of these transactions with Scotland, gives us two brief citations from the old historians.

1. He cites from Fordun (b. xi., c. 3) these few words:—

“Now,” said Edward (in 1290) to the most confidential of his ministers, “the time is at last arrived when Scotland and its petty kings shall be reduced under my power.”

With reference to which quotation it is enough to say, that Fordun wrote just *one hundred years after*; and therefore can give no valid testimony, as to a private conversation between Edward and “his most confidential minister,” half a century before he, Fordun, was born.

But, 2, the *Annals of Waverley*, says Mr. Tytler, tell us, in 1291, that "the king of England, having assembled his privy council and chief nobility, told them, that he had it in his mind to bring under his dominion the king and the realm of Scotland, in the same manner that he had subdued the kingdom of Wales."

This would be something like evidence, though of a loose kind, if Mr. Tytler had quoted it fairly. But he has given *only so much* as suited his purpose. The passage in the *Annals of Waverley*, runs thus:—

"The king of England, having assembled his privy council and chief nobility, told them that he had it in his mind to bring under his dominion the king and the realm of Scotland, in the same manner that he had subdued the kingdom of Wales. He therefore moved his army into those parts; where in a short time he gained possession of the said kingdom of Scotland."

Thus we see that this passage is only one instance out of hundreds which might be adduced, shewing that the old chroniclers often put down under the date of one year, facts which properly belong to another. There was, in 1291, no "king" in Scotland to be subdued. Neither did Edward move an army into Scotland, or gain possession of Scotland, until 1296. It is probable enough, that shortly before this, he stated to his council such views as are described in the *Annals*. But then, this all happened in 1296, *after Baliol had broken faith with him*,—*not in 1291*, when the conferences as to the succession were still going on.

### 3.

Two or three other fictions are introduced about this period by Wyntoun and Fordun, who wrote at the end of the fourteenth century, and beginning of the fifteenth;—and Mr. Tytler does not disdain to avail himself of one of them:—

1. These writers tell us, that during the arbitration, Edward offered to give the crown to Bruce if he would consent

to hold it of him as feudal lord ; but that Bruce nobly answered, that he would never purchase the kingdom by reducing it to servitude. Upon which, Mr. Macpherson, the editor of Wyntoun, justly remarks, that “ the Scottish historians, partial to the family of their hero, Bruce, have united in putting into the mouth of his grandfather, sentiments of magnanimity and independence, which, from vouchers, are *proved to be fictitious.*” For, as we have already seen, both Hume and Mr. Tytler confess, that Bruce was *the first* to accept Edward as his feudal lord ; and sir Francis Palgrave has shewn, that he did this long before the meeting at Norham. Both Wyntoun and Fordun, therefore, are convicted of falsification.

2. Another story of this kind is repeated by Mr. Tytler, although both Hume and sir Walter Scott had repudiated it. Mr. Tytler tells us, of 1295, that “ To Bruce, son of the competitor for the crown, Edward affected uncommon friendship ; regretted his decision in favor of the now rebellious Baliol, and declared his determination to place him on the throne.” And, in 1296, that “ Bruce reminded him of his promise, to place him on the throne.” “ Have I nothing to do ? ” said the haughty monarch, “ but to conquer kingdoms for you ? ” Here is an important statement, which represents Edward as false and deceitful. But when did it first see the light ? In Fordun, and in Bower’s history, which appeared some time after 1440, or *nearly one hundred and fifty years after* the period referred to ! It is no wonder, then, that Hume passes it over in silence, or that sir Walter reduces it to this :—“ Bruce, after the victory of Dunbar, *conceived* his turn of triumph was approaching, and *hinted* to Edward his hope,” &c.

The object of Fordun, as of the other Scottish historians, was, to make out some legal right or title for Bruce. In order to do this, they scruple not to invent. Thus, as we have just seen, they tell us, that before the arbitration was decided, Edward offered to decide in favor of Bruce, if he would own him as his superior lord ; and that *Bruce refused to do so.* Whereas we

know, from documents which are extant, that Bruce had at that very time, actually applied to Edward as his superior lord!

The present fiction is refuted by many well-known facts. Had Edward deceived and disappointed this Bruce, (the son of the competitor,) it must have followed that the party so deceived would have become bitterly hostile. Instead of which, we immediately find this very Bruce employed by Edward, as "his dear and trusty friend," to receive to his peace the inhabitants of Annandale. And three times after this does Mr. Tytler distinctly recognize this Bruce as being always loyal and faithful to Edward;—a thing most improbable, if he had been,—as represented by Fordun a hundred and fifty years after,—grossly deceived and wronged by the king.

#### 4.

The next fiction is adopted by Hume, and rejected by other Scotch historians. Hume tells us, that, after the battle of Falkirk, "Young Bruce," afterwards Robert I., "distinguishing the Scottish chief," Wallace, had a conference with him, "in which the gallantry of Wallace's sentiments struck the generous mind of Bruce, and made him repent of his engagements with Edward."

Hume gives this story at some length, and yet is obliged to admit, in a note, that "Hemingford and Trivet, authors of good credit, agree that Bruce was not at that time in Edward's army."

Why, then, does he repeat the story? Because, he says, "it is told by all the Scottish writers." But these Scotch writers wrote *a century after*, while Hemingford and Trivet wrote at the very time.

We have already shewn, that these "Scotch writers," writing two or three generations after, invented many fictions. It is now admitted on all hands, that this conference between Bruce and Wallace is a fable. Sir Walter Scott never alludes to it; lord Hailes scoffs at it; and Mr. Tytler admits that Bruce was then in another part of Scotland.

G,—page 220.

THE STORMING OF BERWICK.

IN order to raise a prejudice against Edward, on the score of the storming of Berwick, both Mr. Tytler and sir Walter Scott condescend to borrow the exaggerated statement of one English chronicler, that 17,000 persons fell in that storm. Yet, when *the same* English chronicler states the loss of the Scotch at Falkirk at 30,000, Mr. Tytler at once reduces it to 15,000. But he retains the exaggerated number in the case of Berwick, because it manifestly tends to Edward's prejudice; as having the appearance of a massacre.

Yet surely, neither Mr. T. nor sir Walter could be ignorant, that all the Scotch historians, Wyntoun, Fordun, and Boethius, state the number of those who fell at 7,000 or 7,500. But there is higher authority than either of these. The complaint of the Scotch regents to the pope, made within a year or two after, only states the number at "nearly 8,000." Now complainants, in their circumstances, were not likely to understate their case. If they stated the numbers liberally, or largely—as they surely would; and if some of the bodies so counted were English who fell in the attack, then it would leave a probable loss to the Scotch of about 4,000 or 5,000 men,—a number which, under the circumstances, appears not at all a remarkable one.

H,—page 234.

EDWARD'S OBTESTATION.

AT first sight, remembering the constant and earnest attention to religious duties shewn by Edward, we were inclined to doubt whether the chronicler might not be in error in ascribing this oath to the king; the more especially since the person addressed was named BIGOD; so that it would be easy to fall into such an

error. But, looking a little further, we found the pope himself, in a public reception of Edward's ambassadors, asseverating "per deum," that he would do the king justice. So that it seems tolerably clear that even religious men, in those days, thought it lawful to use language similar to that employed by Abraham (Gen. xxiv. 3), by Joab (2 Sam. xix. 7), and by Nehemiah (xiii. 25). As to Edward himself, his whole character assures us, that he never used the Divine name lightly or irreverently.

I,—page 263.

#### THE NATURE OF WALLACE'S SWAY IN SCOTLAND.

It is quite evident that Wallace's power in Scotland, from August or September 1297 till July 1298, must have been of the nature of a tyranny. This we learn from the Scottish historians themselves. We have already noticed this in p. 255; but one or two further proofs may here be adduced. Fordun, one of the earliest of the Scottish chroniclers, says, that Wallace, "if any of the great men would not of his own accord obey his mandates, him he held and confined until he wholly submitted to his good pleasure." So also, Hector Boethius tells us, that "He made sic punition on tham whilk war repugnant to his proclamation, that the remanent pepil for feir thairof assisted to his purpose." And Wyntoun, in his *Cronykyl* (viii. 13) says,—

"The grettest lordes of our lande  
To him he gert them be bowand :  
Ild thai, wald thai, all gert he  
Bowsum to his bidding be :  
And to his bidding, who was not bown,  
He took and put tham in prisoun."

When we recollect who Wallace was;—the unknown younger son of a small country proprietor or yeoman, who had gathered round him a horde of "men of desperate fortunes," and now required "the grettest lordes of the lande" to be "bowsum"

(obeisant) to his bidding,—we shall see that his position differed little from that of John of Giscala in the siege of Jerusalem; and that desertion in his hour of need was the sure fate that awaited him.

J,—page 314.

#### WALLACE'S RAVAGE OF THE NORTHERN COUNTIES.

EQUALLY unanimous are the Scottish chroniclers as to the character of Wallace's invasion of England. Fordun says, that "he wasted all the land of Allerdale with fire." Wyntoun says,—

"All Allerdale as man of warre  
That tyme he brent with his powere  
\* \* \* \* \*  
Wharever thai overtuk the Inglis men  
Thai spared none, but slew all down."

Boethius tells us, that "he brent and harried all Northumberland to Newcastle. . . . He took Dunotter and slew all persons found in it."

And, in our own times, the great Scottish *Encyclopaedia Britannica* combines all the records in these words, "He proceeded as far as Newcastle, wasting with fire and sword, and sparing neither age nor sex."

Sir James Mackintosh and some other writers have tried to exculpate him, or at least to extenuate his conduct, on the strength of a single act of mercy shewn to some monks whom he saved from massacre. Probably there never existed on earth a creature so wholly Satanic as never once to have shewn mercy. But his character must be decided, not by conflicting evidence, or by any isolated act, but by the general concurrence of all writers, from the English chroniclers of his own day, down to Blind Harry of 1470. Not one of all these varies in the general statement, that he was ruthless,—the destroyer of men, women, and children, "sparing neither sex nor age."

The Scottish *Maitland Club* printed, in 1834, a volume of *Illustrations of Scottish History*; at p. 54 of which volume we find a transcript of Wallace's sentence, from an *Arundel MS.* of about 1320, *i.e.* of Wallace's own time. As a part of that sentence, it was ordered, "that his bowels be taken out and burnt, *even as he himself had burnt a church full of men and women.*" And this fact, as we have seen, was narrated, and boasted of, by Blind Harry, one hundred and fifty years after.

## K,—page 333.

## PARLIAMENT OF LINCOLN.

THE requests preferred by the barons, and accorded by the king, were the Ist, IInd, IIIrd, IVth, and Vth, the VIIIth, IXth, Xth, and XIth. Those which he did not concede, were the following:—

## VI.

"E ce ke mespris est par nul ministre soit amende solom  
ce ke le trespass le demaunde par auditours a ceo  
assinez qe ne soient pas suspcionus des Prelates,  
Contes, e Barons de la terre solom ceo kil mesmes  
ainz ces heures ad fet e qe ce seit maintenant mis  
en oeuvre."

"Dominus Rex vult providere aliud remedium  
super hoc sed non per tales auditores."

## VII.

"E qe Viscontes de cest heure en avant respoignet des  
issues solom ce kil soleient fere en tens son Pere les  
queles issues unt este e uncore ore sunt a grand  
apovrissement du peuple. E ke Viscontes ne soient  
plus haut chargez."

"Placet Dominus Rege quod de communi  
consilio provideatur super hoc quam cito  
commode poterit remedium optimum."

## XII.

“E par ceste choses suzdites ne pount ne osent pas les Prelates de seinte Eglise assenter ke contribucion seit fete de lur biens ne de biens de la clergie en contre le defens le A postolle.”

“Non placuit Regi : sed communitas Procerium approbavit.”

L,—page 360.

EDWARD OF CARNARVON.

A BRIEF, but very interesting, outline of the letters of Edward II., when prince of Wales, recently discovered in the Chapter-house, Westminster, has been given by W. H. Blaauw, Esq., in the *Sussex Archaeological Collections*. On the day after the letter given above, at p. 359, the prince writes to sir Walter Reignard, to the following effect:—

“Inasmuch as our lord the king is so angry with us, on account of the bishop of Chester, that he has prohibited us, or any one of our suite, from entering his household, and has also forbidden the officers of his household and of the exchequer to give or lend us any thing, we send to you, that you may devise means to send us money in great haste for the sustenance of our household ; and do not, in any manner, shew anything of the wants which touch us to the bishop of Chester, nor to any person belonging to the exchequer.—Midhurst, the 14th day of June.”

A week later we find the prince writing again to this same Walter Reignard ; begging him to help him to some palfreys, saddles, and some new robes of fur and satin, in contemplation of the expected visit of queen Mary, dowager of France, and her son, “Monsire Lowys.”

The prince’s easiness and good-nature are exhibited by many letters, in this his time of trouble, to prelates and other

patrons, requesting preferment for divers persons who had requested his good offices. This same Walter Reignard afterwards became, by his favor, archbishop of Canterbury.

In July the prince writes to his brother-in-law, the earl of Gloucester, to the following effect:—

“ Because you have so kindly given up your goods to us, we thank you very dearly, and we let you know that our lord the king our father does not consider himself so ill-treated by us as some people, perhaps, have made you believe; for he wishes, and has commanded, that we should have of his bounty whatever is needful for us.”

And this is confirmed by the fact, that a sum of one hundred marks is paid, about this time, out of the king's wardrobe, to Walter Reignard, for the prince's expenses.

In August he writes to his sister, the countess of Gloucester, that he would very gladly come to her; but that the king hath commanded his stay in these parts, *i.e.* near Wyndsore.

But though thus secluded, there are proofs in abundance that the life he led was not a solitary one.

His letters speak of spices and groceries, long swords for valets, small horns, and horses at a very high price. To his sister he writes for a white greyhound, and Hugh le Despencer is thanked for raisins and wine. One great point, respecting which he intreated the queen, his mother-in-law, was, that he might have two more valets, and that “ Perot,” (his familiar name for Peter de Gaveston,) might be one of them.

It is worthy of notice, that the king, while he was resolved upon Gaveston's removal and banishment, took care to do him no injustice; for he granted him a pension of one hundred marks, which was to commence from the day of his departure from England.

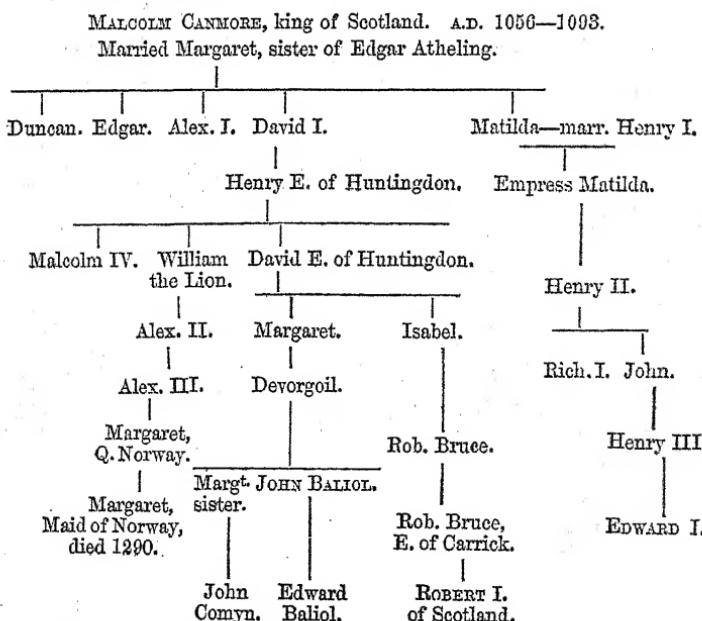
M,—page 371.

## CLAIMANTS OF THE CROWN OF SCOTLAND.

MR. MACPHERSON, the editor of *Andrew Wyntoun*, says, in one of his notes to that Chronicle,—

“It is very surprising that Edward did not claim the crown of Scotland for himself, as heir of Malcolm Canmore, whose granddaughter Maud was his great-great grandmother. His great-grandson, Henry IV., got the crown of England without having so good an hereditary title.”

It may be worth while, therefore, to shew the real position of Baliol, of Comyn, of Bruce, and of Edward, which is done in the following table:—



From this table it will be apparent why Edward,—keeping, as he always did, his descent from Malcolm Canmore in memory,—never rested his claim on that descent. Beyond all

question, Baliol and his son possessed the hereditary right; and next, John Comyn. Bruce had no other immediate title than that of the sword. Edward's unquestionable claim rested on the broad fact, that Baliol, Bruce, Comyn, and every lord in Scotland, first admitted him as Lord Paramount, and then made war against him: the penalty of which was, forfeiture, by the general laws of Europe at that time.

N,—page 402.

#### EDWARD'S ALLEGED AMBITION AND VINDICTIVENESS.

APART from the Scottish historians, two English writers of modern times, and of the highest rank, have done Edward a great injustice. Mr. Hallam, allowing him to have been "a prince unequalled by any since the Conqueror for prudence, valour, and success," yet says, with reference to his dispute with the two earls, that "his *ambition*, luckily for the people, had involved him in foreign warfare."

This "foreign warfare," in which Edward was involved, was simply an attempt to regain a noble province, of which Philip of France had fraudulently robbed England. If any French ruler, at the present day, were to resolve upon taking from England the comparatively insignificant Norman isles, would it be just to describe Queen Victoria, in some future history, as "involved by *her ambition* in foreign warfare?"

With similar perverseness, Mr. Sharon Turner, while he does justice to the uprightness of most of Edward's conduct, yet describes him as "vindictive." This is the greatest injustice that can be conceived. Edward reigned for more than thirty years, of a stirring and active character, without sending more than three traitors to the scaffold,—David, Turberville, and Wallace,—and each one of these, for such offences, *would have been sent to the scaffold in our own day*. The chief difference between Edward's proceedings and our own, lay in the greater

gravity and caution of his proceedings, and in the clemency which, in almost every case, he was ready to extend to any offender who asked for mercy. In our own time, men who had been guilty of the crimes of David or of Wallace, have found a much more summary doom\*. It is true, that at the close of Edward's life, a great crime was committed in Scotland ; an eminent nobleman was assassinated, under circumstances of more than ordinary atrocity. Edward ordered all who were concerned in this murder to be executed, and several persons were thus rightfully punished. But even in his exasperation he was distinguished for clemency. By the same sentence of Lanercost, those persons who were *only* guilty of rebellion and high treason, were merely ordered "to be imprisoned at the king's pleasure." Does English history record any act less "vindictive" than this?

On the general question, of the character of Edward's rule, it is quite undeniable, that *there is no reign in English history* which can compare with it for clemency.

If we turn to that of his weak and unworthy successor, we find it full of hurried executions. Thus, when he took Ledes Castle, he hanged up the governor and eleven knights. When he captured the earl of Lancaster, the earl was immediately sent to the scaffold ; and with him fourteen knights and fourteen knights-banneret.

\* Thus, Major Hodson writes, from India, in 1857 :—"The next day I got permission to go and bring in the king (of Delhi) and his favorite wife and her son. This was successfully accomplished. I then set to work to get hold of the villain prince. I started for the tomb of the emperor Humayoon, where they had taken sanctuary. After two hours of wordy strife, they appeared, and I sent them away under a guard. \* \* \* \* \* I then went to look after my prisoners, who, with their guard, had moved towards Delhi. I came up just in time, and seizing a carbine from one of my men, I deliberately shot them one after another. I then ordered the bodies to be taken into the city and thrown out on the Chiboutre, in front of the Kotwallu. In twenty-four hours, therefore, I had disposed of the principal members of the house of Timur the Tartar." This narrative is published without regret by a clergyman of Trin. Coll., Cambridge.

In the reign of Edward III., we have the execution of the earl of Kent, "son of the great Edward," of Mortimer and Bereford, and of the earl of Menteith.

In Richard II.'s reign, we find Tresillian and Brambre, Burley and Beauchamp, Berners and Salisbury, and the earl of Arundel, sent to the scaffold.

In Henry IV.'s reign, we hear of the execution of the earls of Kent and Salisbury, of lords Lumley and De-spencer, of the earl of Huntingdon, of the earl of Worcester, of lord Kinderton, of sir Richard Vernon, of the earl of Westmoreland, and of the archbishop of York.

Now Edward I.'s reign was not a calm or peaceful one. He had wars abroad and at home, conspiracies, and earls and archbishops opposed to him. Yet, during thirty years, and until the assassination of Comyn, we find, as we have just said, but three political executions,—1. David of Snowdon, who in time of peace had stormed a castle, committing high-treason and murder; 2. Turberville, who had covenanted to assist the landing of the French; and 3. Wallace, who had ravaged two counties with fire and sword "sparing neither sex nor age." Say we not truly, then, that for clemency, Edward's sway is almost without a parallel.

O,—*page 403.*

#### THE RELIGIOUS TONE OF EDWARD'S CHARACTER.

ALTHOUGH the monkish historians are of necessity the best authorities for mediæval history, inasmuch as they could both read and write, (no ordinary accomplishments in those days,) still there are many statements in their pages which we must receive with allowance; such as their accounts of church-quarrels, and the Bible-language which they are fond of putting into the mouths of their heroes. Thus, in his narrative of the siege of Stirling Castle in 1304, Matthew of Westminster makes

Edward talk like one of Cromwell's preaching captains, quoting Scripture at every turn. But as Matthew himself was hardly present at that siege, we can feel no certainty as to these quotations from the book of Psalms. All that we can safely gather is, that the king was probably acquainted with some portions of Scripture, and was wont occasionally to bring them into his common conversation.

In like manner, John of Westminster, being employed by Queen Margaret to write a memorial of her departed husband, tells us, doubtless from hearsay, how "the aged king," in his last moments, "spread his hands to heaven, *after the manner of the blessed Martin*, and exclaimed, 'Lord! if hitherto I have been in some small way necessary to thy people, I refuse not to undergo further toil for them. But if it is meet for me to die, the blessing is mine. I, thy unprofitable servant, am almost seventy years of age, and from my youth up I have tried to devote my labours wholly unto thee. And now a new enemy is coming against thy people! But thy will be done!'" We must receive all this, like Matthew's quotations from Scripture, with some reserve. Still, as John wrote in the presence of those who knew the king, and were near him at the close of his life, we may suppose that this was not wholly fictitious, or merely the language of eulogy. Some such ending would be consistent with the whole tenor of Edward's strictly religious life.

There was found in the Tower of London, a few years ago, a manual of private devotion, written on a small vellum roll, such as might conveniently be carried about the person, and in the Norman-French which was used in Edward's day. Nothing can be discovered as to its owner; but if it ever belonged to a king, we must assign it to either Henry III. or to Edward, for neither John nor Edward II. were at all likely to possess such a volume. It will be remembered that both Henry and Edward were, for some years, residents in the Tower. And it exactly tallies with Matthew of Westminster's portrait of Edward; for,

among other things, it contains an enumeration of proper psalms to be repeated upon particular occasions. One of its principal hymn-prayers begins thus:—

“Douce syr’ Jesu Christ eȳez mercy de moȳ  
 Kȳ de ceil en tre ven̄ystez par moȳ  
 E de la vergyne Marie nasquez par moȳ  
 E en la seynte crēys mort suffrīyez par moȳ.”

The whole hymn has been thus given in English prose, in Bentley’s *Excerpta Historica*, p. 407:—

“Sweet Lord Jesu Christ! have mercy upon me; who for me didst come from heaven upon earth; and for me wast born of the Virgin Mary; and for me didst suffer death upon the holy cross!

“Mercy! I pray thee, Jesu, my very Saviour, my solace, my comfort, my joy, my happiness! Take away from my heart pride, anger, and rancour, that I may willingly serve and love thee as my Lord.

“Much ought I to love thee, for thou didst exceedingly love me, when thou didst willingly humble thy God-head so far, that here, though thou wert and art Almighty God, thou didst become man, bearing human flesh.

“Upon earth thou didst suffer travail and many distresses, cold, and hunger, and thirst; anguish, and griefs: thou didst pour forth thy blood, and didst shed many tears, and at last didst deign to die for all sinners.

“Hard and piteous was thy death, when thy most holy body, which never did sin, with many wrongful sufferings was vilely treated: between thieves wast thou hung and raised upon the cross.

“With sharp thorns they crowned thy head; with nails they pierced thy hands and feet; with a lance they made a deep wound in thy side, whence issued both water and blood, which washed us from sin.

“Thou hast thy head inclined to call us, and thy arms extended to embrace us, and thy side open to shew thy love to us: high on the cross didst thou ascend to save us all.

“Therefore I pray thee, Jesu Christ! have compassion on me, that I be not for my sins delivered to purgatory: put in my heart true humility, that I may have perfect love towards thee and towards my neighbour.

“Often have I provoked thee, Jesu! to anger, in word, in deed, in speech and foolish thought, sleeping and awake, in inn and chamber, by enticement of others, and by my own unruly will.

\* \* \* \* \*

“Therefore I pray thee, Jesu Christ! hear my confession, pardon all the wickedness that I have done, enable me to make worthy satisfaction, and to do true penance before death, for thy name’s sake, O Jesu!

“Moreover, I pray thee, sweet Jesu! if I do anything good, give me thy grace that I fall not into vain-glory; and that the good I ardently labour for be not brought to nought by the evil spirit that always pursues me.

“Open my heart, I pray thee, Jesu! for thy name’s sake, that I may have a due sense of the passion thou didst suffer in the body: give me thoughts of true compassion, that I may be a partaker of thy redemption.

“Give me grace, I pray thee, Jesu! so to watch over my life here, that I may keep every day holy to thee; make me to have a conscience guarding me from mortal sin; deliver me safe from my enemies, that I may worthily partake of thy precious body and blood.

“And if I fall into sin through any temptations by the enticement of our perfidious enemies, may it please thee, Jesu! to grant me true remission, and contemplation upon thee continually.

“For myself I implore thee, and for all my friends, and for all Christians, and for all dead and living; shew us the brightness of thy countenance, and bring us all together to the joys of paradise!”

It is almost unnecessary to observe, that there is scarcely a word in this prayer which Wicliffe would not have willingly used, or in which Luther, for the first few years of his Christian life, would not have joined. One or two allusions to penance and to purgatory are the only exceptions which even a Protestant of our own day can make to its language. And we may safely say, that any one, in any age, who can honestly and from the heart make this prayer his own, is in the way which leadeth to everlasting life.

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#### A YEAR'S EXPENDITURE OF THE KING.

IT is now more than seventy years since the Society of Antiquarians published “The Account of the Comptroller of the Wardrobe, of the twenty-eighth year of king Edward I., A.D. 1299-1300;” and it is probable that few of the readers of this volume have ever seen that publication. It seems desirable, therefore, to give, in this place, a brief sketch of that Account, the whole details of which form a quarto volume. We shall confine ourselves to a few general heads.

#### I.

The Keeper or treasurer of the Wardrobe acknowledges the receipt, from various sources, of a total sum, within the year, of - - - - - £58,155 16s. 2d.

## II.

He then gives an account of his disbursements, under twelve heads, as follows:—

		£	s.	d.
1. Alms and oblations, for the relief of the poor, or as religious offerings.				
The payments fill thirty-one quarto pages, and are of every description.				
The total for the year	-	1,166	14	6
2. The next head is that of necessaries bought for the use of the king's household, and for charges and expenses of ambassadors, messengers, &c.,—the total being	-	3,338	19	3
3. Then follows the victualling and stores for the king's army in Scotland, and for the supplies for the garrisons of his castles in that country	-	18,638	1	8
4. Next, gifts and rewards; and payment for horses lost by knights and others in the king's service	-	4,386	4	5
5. Allowances to knights of the king's household; and of foreign troops retained in the king's service	-	3,077	19	0
6. Wages of the engineers, archers, and sergeants-at-arms of the household	-	1,038	10	7
7. Wages of foot-soldiers, archers, artificers, and workmen	-	4,446	9	11
" Wages to seamen of the Cinque Ports and other towns	-	1,233	9	8
8. Expenses of king's messengers	-	87	11	1
9. Wages and expenses of the huntsmen, falconers, hawks, &c.	-	77	6	11
10. Allowances to knights, bannerets, &c. of the household, for robes	-	714	3	4

	£	s.	d.
11. Goldsmiths' and jewellers' accounts -	253	15	6
12. Includes cloth, furs, wax, and other things for the use of the household -	4,391	19	0
Wines and other liquors for the use of the household - - - -	6,934	6	0
Separate account of the queen - - -	3,668	2	9
Costs and charges of the king's Chancery - - - -	581	9	0
	<u>£</u>	<u>54,085</u>	<u>2</u>
		<u>7</u>	

To which is added, for some current expenses of the household, the particulars of which do not appear to have been preserved, the sum of £10,969 16s. 0d.

So that the treasurer, on this account, would appear to have been in advance. But there was, doubtless, money daily coming in, and he probably had some bills not yet discharged.

The calculations of Bishop Fleetwood's tables shew the value of money to have been fifteen times as great at that day as it is now. This would make the royal revenue to amount to about £800,000 per annum. Out of which the king paid, in 1300, what would now be about £500,000, for his troops, seamen, garrisons, &c.; about £270,000 for the expenses of his household, exclusive of robes, jewels, huntsmen, and charities; which last item, of Alms and oblations, in the money of our time, would be equal to nearly £18,000 a-year.

## Origin and Growth of the English Legislature

### UNDER THE NORMAN KINGS. A.D. 1016—1216.

A.D. 1066. Great Councils occasionally held. No Statutes made. These Councils are generally called to "a Curia," or "a Convention," Brief Charters by Henry I. and by Stephen.

„ 1215. *Magna Charta* extorted from John.

### UNDER HENRY III. A.D. 1216—1272.

Long Minority of the King.

A.D. 1236. A Curia, or Council, held at Merton, consisting of Archbishops, Bishops, Earls, and Barons

„ 1246, Frequent Councils of Barons held, to consult of to granting the King an aid. Angry discussions.

„ 1258. The word "Parliament" first used by Matthew Paris in 1246.

„ 1258. A PARLIAMENT at Oxford; Archbishops, Bishops, Earls, and nearly 100 Barons.

„ 1259. A general PARLIAMENT in London.

„ 1265. A PARLIAMENT summoned to Westminster by Simon de Montfort, in the King's name; Writs sent to Archbishops, Bishops, Abbots, 5 Earls, 17 Barons, and to the Sheriffs, to send Knights from the Counties, and Burghesses from certain Towns.

„ 1266. The King freed. A PARLIAMENT at Kenilworth. Influence of Prince Edward paramount.

„ 1267. A PARLIAMENT, or "Commune Concilium Regni," at Marlborough: "The more discreet men of the realm being called together; as well of the higher as of the lower estate."

## UNDER EDWARD I. A.D. 1272—1307.

A.D. 1272. Accession.

„ 1274. Coronation.

„ 1275. A PARLIAMENT at Westminster: the first so termed in the Statute-book: consisting of Archbishops, Bishops, Earls, Barons, and “la Communauté de la Terre.”

„ 1276. PARLIAMENTS at Westminster and at Winchester.

„ 1277. A PARLIAMENT.

„ 1278. A PARLIAMENT at Gloucester.

„ 1279. A PARLIAMENT at Westminster.

„ 1282. A PARLIAMENT at Northampton.

„ 1283. A PARLIAMENT at Shrewsbury; Writs to 11 Earls, 99 Barons, 2 Knights for each County, 2 Citizens from each of 21 Cities.

„ 1284. A PARLIAMENT at Rhudland.

„ 1285. PARLIAMENTS in Westminster and in Winchester.  
— The King now abroad.

„ 1289. PARLIAMENT at Westminster.

„ 1290. PARLIAMENT at Westminster.  
— Scottish Arbitration. War with France.

„ 1295. PARLIAMENT at Westminster; Writs to Archbishops, Bishops, Earls, Barons, Knights, and Burgesses of 115 Towns.

„ 1296. PARLIAMENT at Bury St. Edmund's.

„ 1298. PARLIAMENT at York; Earls, Barons, Knights, and Burgesses of 127 Towns.

„ 1299. PARLIAMENTS in London and Westminster.

„ 1300. PARLIAMENT in London; Archbishops, 17 Bishops, 99 Barons, Knights, and Burgesses of 128 Towns.

„ 1301. PARLIAMENT at Lincoln; Archbishops, Bishops, Earls, Barons, Knights, and Burgesses of 137 Towns.

„ 1302. PARLIAMENT in London; Archbishops, Bishops, 9 Earls, 82 Barons, Knights, and Burgesses from 146 Towns.

„ 1304. PARLIAMENT in Westminster; Archbishops, Bishops, 9 Earls, 94 Barons, Knights, and Burgesses of 159 Towns.

„ 1306. PARLIAMENT in Carlisle; Archbishops, Bishops, 7 Earls, 63 Barons, Knights, and Burgesses of 165 Towns.

## Origin and Growth of English Legislation

### UNDER THE NORMAN KINGS. A.D. 1066—1216.

A.D. 1106. Charters granted by Henry I.

“ 1135. “ “ Stephen.

“ “ “ Henry II.

“ 1215. *Magna Charta*, by John.

### UNDER HENRY III. A.D. 1216—1272.

A.D. 1216. Minority of the King.

“ 1236. THE “STATUTES OF THE REALM” COMMENCE.

“ “ *The Provisions of Merton*. “ It was presented in the Court of our Lord the King.”

*The Statute of Ireland*. A Royal Ordinance.

“ 1256. *A Provision for Leap Year*. A Royal Ordinance.

“ 1259. *Provisions* made by the King and his Council.

“ 1266. *The Dictum of Kenilworth*. An award between the King and the revolted Barons.

“ 1267. (Prince Edward now possesses influence.)

*The Statutes of Marlborough*; styled “ Those Acts, Ordinances, and Statutes underwritten.”

## UNDER EDWARD I. A.D. 1272—1307.

A.D. 1272. Accession of Edward.

„ 1274. Coronation.

„ 1275. *The Statutes of Westminster.*

„ 1276. *The Statute of Bigamy.*

— *The Office of Coroners.*

— *The Statute concerning Justices.*

„ 1278. *The Statutes of Gloucester.*

„ 1279. *The Statute of Mortmain.*

„ 1283. *The Statute "de Mercatoribus."*

„ 1284. *The Statutes of Wales.*

„ 1285. *Statute Circumsp. Agatis.*

„ „ *Statutes of Westminster II.*

„ „ *Statute of Winton.*

„ 1290. *Statute of "Quo Warranto."*

„ „ *Statute of "Quia Emptores."*

„ „ *Statutes of Westminster III.*

„ 1299. *Statutes "de Finibus levatis."*

„ „ *Statute "de Falsa Moneta."*

„ 1301. *Statute for Escheators.*

„ 1306. *Statute for Joint Tenants.*

„ 1307. *Statute of Carlisle.*

